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CrI.OP.No.19509 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.19509 of 2022

Mohan

...Petitioner

Vs.

State Rep by
Inspector of Police,
CBCID - North,
Vellore.
(Crime No. 01 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.01 of 2022 on the
file of the respondent police.

For Petitioner :Mr.S.Prabakaran
for M/s. C.N.Vinobha

For Respondent :Mr.A.Damodaran
Additional Public Prosecutor

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 15.07.2022 for the offences punishable under Sections 166, 167, 120(B), 420 & 166, 167, 465, 467, 468, 471, 409 and 120(B) of IPC in crime No.01 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that during 01.10.2020 to 30.09.2021, the officers who worked in the TNSCS, Vellore & Tiruvannamalai Regional Office and the staff who worked in the direct paddy procurement centers, in collaboration with individuals, procured paddy at the direct paddy procurement centers without proper scrutiny. The defacto complainant i.e. Regional Manager, Tamilnadu Civil Supplies Corporation, Vellore Region had lodged a complaint against all TNCSC Vellore Regional Office Officers and Staff related to paddy procurement to take appropriate action against them, who had cheated the Government by not implementing the Government scheme properly for personal gain and misuse of the state scheme and causing loss to the state by not giving subsidy to the farmers.

3. The learned counsel for the petitioner would submit that he



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was working as Regional Manager under the Tamil Nadu Civil Supplies Corporation, Vellore Region. The Government of India has fixed the price of paddy to be procured during the Kharif 2020-2021 season (from 01.10.2020 to 30.09.2021). In Vellore District, 101 Direct Procurement Centres were established and they were manned by seasonal staffs i.e. Bill Collector/Clerk-1, Writer-1, Watchman-1. On account of pandemic, it was stipulated that the farmers had to produce either the patta or chitta or adangal or a certificate from V.A.O. and the procurement was made. One purchase/procurement Officer is appointed by civil supply corporation to monitor the day to day activities of 5 or more Direct Procurement Centres and he had to verify only whether the documents were correct. Thereafter, the papers were sent to Bill Superintendent, wherein the staffs have to counter check the details and the papers and then again Deputy Manager Procurement verifies once again all the documents. Thereafter, the papers were forwarded to the head office for process and payment. The payments were made directly from the Head Office to concern farmers and he has no role in the procurement or payment to the farmer. Hence, he pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the



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respondent would submit that during the period of allegations petitioner served as Regional Manager and he has whole authority for all procurement, movement of grains to the PDS and other systems including the procurement temporary bill clerks, helpers. He further submitted that without following the guidelines of Tamil Nadu Civil Supplies Corporation, petitioner colluded with other officials and had procured paddy from the merchants/private persons instead of procuring paddy from farmers. Hence, he vehemently opposed grant of bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 14.07.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood related sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.III Vellore**, and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

26.08.2022

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G.K.ILANTHIRAIYAN, J.

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To

1.The Judicial Magistrate No.III,
Vellore.

2.Inspector of Police,
CBCID - North,
Vellore.

3.Central Jail,
Vellore.

4.The Public Prosecutor,
High Court of Madras

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