



Crl.O.P.No.23989 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.23989 of 2022

R.Vijayakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CBCID North Vellore,
Vellore District.

(Crime No.01/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.01
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Thilagaraj

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.08.2022 for the offences punishable under Sections 166, 167, 420 & 120(b) IPC @ 166, 167, 420, 465, 467, 468, 471, 409, 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 the petitioner along with the other officials and staff of the Tamil Nadu Civil Supplies Corporation (TNCSC), Vellore region, by committing malpractices and irregularities in the procurement of paddy for the direct purchase centres in Vellore and Ranipet, had violated the procurement procedures and guidelines issued by the TNCSC during the period from 01.10.2020 to 30.09.2020 and made a wrongful gain as commission. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is working as an Regional Manager, TNCSC, Vellore and he has no direct access with the merchants and he has no role in the procurement process and he has been unnecessarily roped in into this case,



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since he happens to work during the relevant period. He would further submit that the petitioner is in custody from 10.08.2022. He would also submit that the respondent have not taken police custody of the petitioner and the major part of the investigation is over and the custodial interrogation of the petitioner may not be required any further. He would further submit that the entire prosecution is borne out by documents and the petitioner is ready to cooperate with the respondent in the investigation and he is also ready to abide by any stringent conditions that may be imposed by this court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner colluded with other officials and staff of TNCSC, Vellore with an intention to cheat the farmers by violating the procurement procedures and guidelines, misused the schemes meant for farmers and they have made illegal gain and caused loss to the tune of rupees 315.3 Crores and as far as this petitioner is concerned, he has received a wrongful gain from the other accused as commission. Hence, he oppose to grant bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that entire case is borne out by the documents and considering the incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate III, Vellore**, and on further conditions that:

[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;



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[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m. for a period of two weeks, and thereafter, every Saturday at 10.30a.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 abscond, a fresh FIR can be registered under Section 229A IPC.

30.09.2022

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To

1. The Judicial Magistrate III,
Vellore.
2. The Inspector of Police,
CBCID North Vellore,
Vellore District.
3. The Central Prison,
Vellore District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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