



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL OP(MD) . No.3008 of 2022

Haja Mydeen @ Haja Mohideen

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Thanjavur CSICID Police Station,
Thanjavur District.
(Crime No. 208/2021).

... Respondent/Complainant

For Petitioner : Mr.N.BALASUBRAMANIAN,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.208 of 2021 on the file of the respondent police.

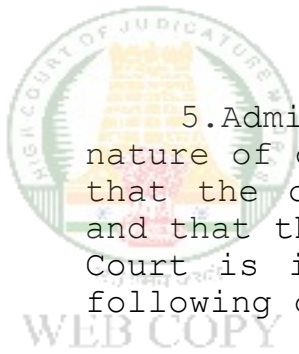
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 14.12.2021 for the offences punishable under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order 1982 and 7(1)(a)(ii) of Essential Commodities Act, in Crime No.208 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 14.12.2021, the accused persons has illegally transported 50 bags of PDS rice in TATA Ace vehicle of the first accused. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any such offence, that this Court has granted bail to the petitioner in Cr.No.12 of 2022, that the third accused has already granted anticipatory bail by this Court in Crl.OP(MD)No.20955 of 2021 dated 29.12.2021, and that the petitioner is in judicial custody from 14.12.2021. Hence, he seeks bail.

4.The learned Additional Public Prosecutor would submit that the investigation is not yet completed and that the co-accused has already been enlarged on bail.



5. Admittedly, the first accused is a juvenile. Considering the nature of charges levelled against the petitioner and also the facts that the co-accused has already been granted on anticipatory bail and that the petitioner is in judicial custody from 14.12.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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 No.II, Thanjavur.

i) the petitioner shall deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of Government of Tamil Nadu, **CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

iii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

iv) the petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond during trial.

vi) 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/02/2022

/ TRUE COPY /

11/02/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



TO

1 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE
SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE,
THANJAVUR CSICID POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT
CHENNAI-9.

ORDER

IN

CRL OP(MD) No.3008 of 2022

Date :11/02/2022

SA/VR/SAR.3/11.02.2022/3P/7C