



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

Date : 08/03/2022

PRESENT

WEB COPY

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD) . No.4427 of 2022

Karpakaraj

... Petitioner/Accused

Vs

The State Rep. By,  
The Inspector of Police,  
Civil Supplies Cid,  
Virudhunagar.  
Cr.No.33 of 2022.

... Respondent/Complainant

For Petitioner : M/s. Lenin Kumar.T,  
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.33 of 2022 on the file of the Respondent police.

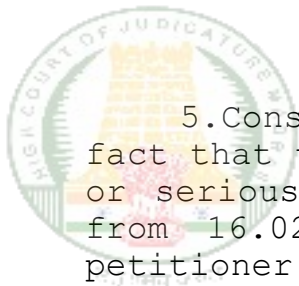
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 16.02.2022 for the offences punishable under Clause 6(4) of TNSC (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.33 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 60 bags of rice (each contains 40kgs). Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and that he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 16.02.2022. However, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount that may be imposed by this Court.

4.The learned Additional Public Prosecutor for the respondent police would submit that the petitioner is having no previous case.



5.Considering the nature of the offence alleged and also the fact that the petitioner is not having any previous case for similar or serious offence and that the petitioner is in judicial custody from 16.02.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit 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 learned Judicial Magistrate No.I, Virudhunagar.

7.On such deposit, the petitioner is ordered to be released on bail on condition that the petitioner shall execute 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.I, Virudhunagar and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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]***; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
08/03/2022

/ TRUE COPY /

/ /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.I,  
VIRUDHUNAGAR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE OFFICER-INCHARGE,  
DISTRICT JAIL, VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE,  
CIVIL SUPPLIES CID,  
VIRUDHUNAGAR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

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

ORDER  
IN  
CRL OP(MD) No.4427 of 2022  
Date :08/03/2022

USK/VR/SAR-IV/08.03.2022/3P/7C