



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

Date : 28/12/2022

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23233 of 2022

1. J.Kajamoideen,

2. Mohammed Yasin, ... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by

The Inspector of Police,

Cscid Police Station,

Trichy District

(Crime No. 314 of 2022).

... Respondent/Complainant

For Petitioners : M/s. Ebenezer Charles.T.J, Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

PRAYER :-

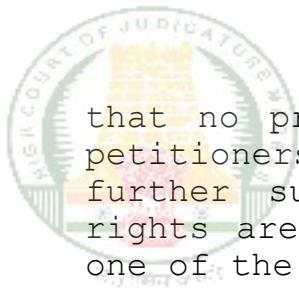
For Bail in Crime No. 314 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 who were arrested and remanded to judicial custody on 10.12.2022 for the offences punishable under Sections 6(4) of TNSC(RDCS) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act in Crime No.314 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused said to have illegally transported 650 kgs PDS rice meant for public. Hence the case came to be registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent person. He would further submit that the petitioner have transported the rice as per the instructions of A3, who is the sales women and these petitioners are not connected with the alleged crime. He would also submit



that no previous case is pending against the petitioners. The petitioners are in judicial custody from 10.12.2022. He would further submit that the petitioners without prejudice to their rights are ready and willing to deposit a sum of Rs.5000/- to any one of the charitable organization. hence he seek bail

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4.The learned Additional Public Prosecutor appearing for the respondent would submit that petitioners along with other accused said to have illegal transported 650 kgs PDS rice meant for public. Hence he opposed to grant bail to the petitioners. However he fairly concedes that no previous case is pending against the petitioners.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and also the fact that no previous case is pending against the petitioners and also the voluntary offer made by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Trichy, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall make a non refundable deposit of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of District Siddha Medical Officer CCRI PKM, Account No.10767823177, IFSC Code : SBIN0000898, MICR CODE : 625002601, Branch: SBI Periyakulam, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

(d) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness or influence investigation or trial;



(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/12/2022

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28/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI,
TRICHY.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
CSCID POLICE STATION, TRICHY DISTRICT
- 4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE SIDDHA MEDICAL OFFICER
CCRI PKM, PERIYAKULAM, THENI DISTRICT.

+1 CC to M/s.T.J.EBENEZER, Advocate (SR-15604[I] dated 28/12/2022)

ORDER
IN
CRL OP(MD) No.23233 of 2022
Date :28/12/2022

PKP/MMS/SAR- /28.12.2022/3P/8C

<https://www.mhc.tn.gov.in/judis>