



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

Date : 28/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.23226 of 2022

1. Sheikmukthaar
2. Mathiyalagan
3. Muthukumar
4. Arumugam
5. Eswaran

... Petitioners/Accused No.2 to 6

Vs

The State Rep. by,
The Inspector of Police,
CSCID Police Station,
Trichy District.
(Crime No.310/2022).

... Respondent/Complainant

For Petitioners : M/s.Karunakaran.K.M,
Advocate.

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

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

PRAYER :-

For Bail in Cr No.310/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A6 who were arrested and remanded to judicial custody on 07.12.2022 for the offences punishable under Sections 6(4) of TNSC (RDCS) Order 1982 and Section 7(1)(a)(ii) of Essential Commodities Act in Crime No.310 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 illegal transported 225 kgs PDS rive 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 these petitioners are coolie workers and they have been falsely implicated in this case. He would also submit that no



previous case is pending against the petitioners and the petitioners are in judicial custody from 07.12.2022, hence he seeks bail

4.The learned Additional Public Prosecutor appearing for the respondent would submit that petitioners along with other accused said to have illegal transported 225 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 and the main accused namely A1 was arrested and released on bail.

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 A1 has been released on bail by the Sessions Court and the total contraband has been recovered and also the fact that no previous case is pending against 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 report before the respondent police daily at 10.30 a.m., until further orders;

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

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

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) 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



(h) 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.

TO

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-15602[I] dated
28/12/2022)

ORDER
IN
CRL OP(MD) No.23226 of 2022
Date :28/12/2022

USK/VR/SAR- /28.12.2022/3P/7C