



Crl.O.P.No.1777 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.1777 of 2023

1. Prema,
W/o. Fedrick

2. Ravichandar,
S/o. C.Kannan

.. Petitioners

Vs.

State represented by
The Inspector of Police,
CBCID – North Police Station,
Vellore Dt.
(Crime No.01 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.01 of 2022 on the file of respondent police.

For Petitioners : Mr.Adithya Varadarajan

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)



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CrI.O.P.No.1777 of 2023

ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.01.2023 for the alleged offence under Sections 166, 167, 420 and 120(b) of I.P.C. and subsequently it was altered into Sec.166, 167, 420, 465, 467, 468, 471, 409, 120 (b) of I.P.C. in Crime No.01 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that during the Kharif Marketing Season, upon the request made by the farmers, the Central Government approved for the direct procurement of paddy from the farmers through the direct procurement centres, which was under the control District Collector. After the approval of District Collector and upon verification of Patta and Chitta of farmer or the VAO certificate, the Tamil Nadu Civil Supplies Corporation permitted for direct procurement of paddy from the farmers. However, the defacto complainant alleged in his complaint that during 01.10.2020 to 30.09.2021, the officers along with staff, who worked in Tamil Nadu Civil Supplies Corporation at Vellore Regional office in the direct paddy procurement centres, in collaboration



CrI.O.P.No.1777 of 2023

WEB COPY

with individuals procured paddy without proper scrutiny and also cheated the Government by not implementing the government scheme properly for personal gain and misuse of State Scheme, thereby caused loss to the tune of Rs.315 crores to the State Government by not giving incentives to the farmers. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the 1st petitioner was working as a Manager, Quality Control, Vellore from the period 2018 to 2021 and that she retired from service in the year of 2022. He would submit that the 2nd petitioner was worked as a Deputy Manager, Quality Control at Vellore region during the relevant period and now he is posted at Villupuram. He would submit that at no point of time, they were directly involved in the procurement of paddy through direct procurement centres and their role is restricted to only verify the quality of commodities procured by the corporation. He would submit that they are innocent persons and they have not at all committed any offence as alleged by the respondent police and they have been falsely implicated in this case. He would further submit that the investigation is almost completed and that the petitioners have been suffering



Crl.O.P.No.1777 of 2023

WEB COPY

incarceration for more than 25 days from 04.01.2023. On instructions, he would further submit that without prejudice to their right and contentions, they are prepared to deposit/pay some considerable amount. Accordingly, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, 33 accused involved in this case. He would submit that the petitioners are very much aware of the irregularity and on colluding with other accused, they have caused loss to the State, for which they have received commission. He would also submit that if they are released on bail, they would tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances and also the fact that the investigation is almost completed, and without prejudice to their right, they undertake to pay a sum of Rs.5 lakhs to prove their bonafide and also considering the period of incarceration undergone by the petitioners, as they are officials, no possibility of absconding, this Court is inclined to grant bail to the petitioners with certain conditions.



Crl.O.P.No.1777 of 2023

WEB COPY

6. Accordingly, the petitioners are **directed to deposit a sum of Rs.5,00,000/- (Rupees five lakhs only) each into the credit of Crime No.01 of 2022 before the concerned Magistrate from the date on which, the order is made ready** and on such deposit, 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) with two sureties each, **in which one surety must be a blood surety**, 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m. for the period of three months;

(c) the petitioners shall not leave India without consent of court concerned.

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



CrI.O.P.No.1777 of 2023

WEB COPY

(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 SCW 5560];

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

30.01.2023

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To

1. The Judicial Magistrate-III, Vellore.
2. Inspector of Police,
CBCID North Police Station, Vellore Dt..
3. The Superintendent of Prison, (1st petitioner)
Special Prison for Women at Vellore.
4. The Superintendent of Prison, (2nd petitioner)
Central Prison, Vellore.
5. The Public Prosecutor, High Court of Madras, Chennai.



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Crl.O.P.No.1777 of 2023

T.V. THAMILSELVI, J.

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Crl.O.P.No. 1777 of 2023

30.01.2023