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Crl.O.P.No.6366 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.6366 of 2023

Gajendiran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CBCID - North Police Station,
Vellore District.

(Crime No.01 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.01 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.Adithya Varadarajan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.01.2023, for the offences punishable under Sections 166, 167, 420 and 120(b) of IPC @ 166, 167, 420, 465, 467, 468, 471, 409 and 120(b) of IPC, in Crime No.01 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that during 01.10.2020 to 30.09.2021, the officers who worked in the TNSCS, Vellore & Tiruvannamalai Regional Office and the staff, who worked in the direct paddy procurement centres, in collaboration with individuals, procured paddy at the direct paddy procurement centres without proper scrutiny. The *de-facto* complainant i.e. Regional Manager, Tamil Nadu Civil Supplies Corporation, Vellore Region had lodged a complaint against all TNCSC Vellore Regional Office Officers and Staff related to paddy procurement to take appropriate action against them, who had cheated the Government by not implementing the Government scheme properly for personal gain and by misusing of the state scheme and also by not giving subsidy to the farmers, caused loss to the state. Hence the case.



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3. Learned Counsel for the petitioner submitted that the petitioner, who is a farmer, is an innocent person and he has been falsely implicated in this case. He further submitted that other than having sold the paddy, the petitioner has not committed any offence and even as per the report of the respondent Police, the allegation against the petitioner is that he had purchased the paddy from farmers in retail for a lesser price and sold the same at higher price and thus obtained Rs.3,50,000/- from Tamil Nadu Civil Supplies Corporation with the illegal assistance of the staff of the corporation of TNCSC. He further submitted that the main officials of the corporation have been arrested and they have also been granted bail by this Court in Crl.O.P.Nos.16040 & 16585 of 2022 vide orders dated 20.07.2022 & 21.07.2022 respectively. He also submitted that major part of the investigation is over and the petitioner was arrested on 25.01.2023 and is in custody for more than 50 days. He further submitted that the petitioner is suffering from Rotatory vertigo and he needs hospitalisation and medical care to stabilise his health condition, therefore, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner in collusion with the Officials of the Tamil Nadu Civil Supplies Corporation, by violating the procurement procedures and the guidelines issued by TNCSC, has purchased poor quality paddy for lesser price and fixed higher price for the same and caused misappropriation to the tune of Rs.3.15 crores. He further submitted that in respect of the petitioner, he along with the illegal assistance of other accused, who were the officials of TNCSC, have obtained a wrongful gain of Rs.3,50,000/- from the corporation. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties, taking note of the fact that the co-accused, who are the officials of the Tamil Nadu Civil Supplies Corporation, have been granted bail by this Court and also



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considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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



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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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

21.03.2023

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To

1. The Judicial Magistrate-III,
Vellore.
2. The Inspector of Police,
CBCID - North Police Station,
Vellore District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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