



Crl.O.P.No.21119 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.21119 of 2023

Chelladurai

...Petitioner

Vs.

The State represented by
The Inspector of Police,
CS CID,
Vellore District.
Crime No.51 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in CS CID Crime No.51 of 2023 on the file of the respondent police.

For Petitioner : Mr.U.Yuvaraj

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.07.2023 for the offence punishable under Sections 6(4) of TNSC (RDCS) Order r/w 7(1)(a)(ii) of Essential Commodities Act 1955 in CS CID Crime No.51 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated as an accused in a case registered for the offences punishable under Sections 6(4) of TNSC (RDCS) Order r/w 7(1)(a)(ii) of Essential Commodities Act 1955 in CS CID Crime No.51 of 2023. He further submitted that, co-accused has been granted anticipatory bail by this Court in Crl.O.P.No.18272 of 2023 on 18.08.2023. Petitioner is in judicial custody from 29.07.2023. In the said circumstances, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor opposes this petition, on the ground that, the defacto complainant was engaged in vehicle check near Ranipet District, Chennai to Vellore Main Road till 23.00 hours on 29.07.2023 and searched the lorry bearing No.TN 01 BR



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4372. It was found that, 42 sacks containing rice 2100 kgs was illegally transported. The rice and vehicle had been seized. Therefore, this case came to be registered. Thus, he seeks for dismissal of this petition.

4. Considering the nature of the offence and the fact that rice and vehicle had been seized and having regard to the duration of the judicial custody and that co-accused had been granted anticipatory bail by this Court and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is ordered to be released on bail on their executing 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-IV, 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 without prejudice to his defence shall deposit a non-refundable sum of



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Rs.10,000/-, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioner shall report before the respondent police daily morning at 10.00 a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

13.09.2023

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To

1.The Judicial Magistrate-IV, Vellore.

2.The Inspector of Police,
CS CID
Vellore District.

3.The Central Prison, Vellore.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.

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