



CrI.O.P.No.27141 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.O.P.No.27141 of 2023

1.Appu @ Sathyaseelan

2.Prasanth

...Petitioners

Vs.

State rep by

The Inspector of Police,

CSCID Nagapattinam,

Nagapattinam.

(Crime No.64 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the Petitioners on bail in the Crime No.64 of 2023 pending on the file of the respondent police.

For Petitioners : Mr.D.Baskar

For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI. Side)

ORDER

The Petitioners, who were arrested and remanded to judicial custody on 08.10.2023 for the offences punishable under Section 6(4) of



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TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.64 of 2023 on the file of the respondent Police, seek bail.

2.The case of the prosecution is that the petitioners were illegally transporting 35 kgs ration rice bags in 30 bags which totally contains 1050 kgs. This rice was meant for public distribution through ration shop.

3.It is stated by the respondent that there is one previous case of similar nature against the petitioner.

4.The learned counsel for the petitioners stated that both the petitioners are brothers and drivers.

5.The earlier application for bail had been dismissed by this Court on 25163 of 2023 on 02.11.2023.

6.Taking into consideration the period of incarceration and also of the fact that there has been further progress in the investigation which is the change in circumstances, this Court is inclined to grant bail to the Petitioners subject to the following conditions:

7.Accordingly, the Petitioners are ordered to be released on bail on their executing 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 Judicial Magistrate No.I, Nagapattinam and on further conditions that :-

[a] the Petitioners and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each as non-refundable deposit directly to the credit of the Dean, Government General Hospital, Nagapattinam. The said amount may be used for needy patients.

[c] the Petitioners shall report before the respondent police everyday at 10.00 a.m., until further orders.

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

[e] the Petitioners 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 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].



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

29.11.2023

vk

To

1. The Judicial Magistrate No.I, Nagapattinam.
2. The Sub Jail, Nagapattinam.
3. The Inspector of Police,
CSCID Nagapattinam,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN.J

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