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Crl.O.P.No.29143 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29143 of 2023

Rajasekar

S/o.Sundaramoorthi

...Petitioner/Accused

Vs.

The State represented by

The Inspector of Police,

CSCID - Police Station,

Tiruppur Wing,

Tiruppur District.

Crime No.258 of 2023

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.258 of 2023 on the
file of respondent police.

For Petitioner : Mr.V.Karthick

For Respondent : Mr.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner seeks bail in Crime No.258 of 2023 on the file of
respondent police for the offences punishable under Sections 6(4) of



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Tamil Nadu Scheduled Commodities (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955. The petitioner was arrested and remanded to custody on 13.12.2023.

2. The case of the prosecution is that the petitioner illegally transported 1120 kgs. of P.D.S. rice, resulting in registration of the case.

3. Learned counsel for petitioner submits that the petitioner is an innocent person and he has nothing to do with the alleged offence.

4. Learned Additional Public Prosecutor submits that the entire contraband was seized and investigation is pending.

5. Considering the rival submissions on either side and considering the quantity of contraband involved in the case and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to certain conditions.



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6. 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, each for a like sum to the satisfaction of the learned Judicial Magistrate II, Tiruppur 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 cards or Bank pass Books to ensure their identity;

[b] the petitioner shall report before the jurisdictional Magistrate everyday at 10.30 a.m. for thirty days.

[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 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];



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P.DHANABAL, J.

gm/rsi

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

28.12.2023

gm/rsi

To

- 1.The Judicial Magistrate II,
Tiruppur.
- 2.The Central Prison,
Coimbatore.
- 3.The Inspector of Police,
CSCID - Police Station,
Tiruppur Wing,
Tiruppur District.
- 4.The Public Prosecutor,
High Court of Madras.

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