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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/07/2023
PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.12253 of 2023

1.Vignesh,

2.Kavinkumar, ... Petitioner/ Accused Nos.2 and 3

Vs

State through
The Inspector of Police,
Civil Supplies C.I.D.,
Trichy District.
In Crime No.67 of 2023. ... Respondent/Complainant

For Petitioner : Mr.LENIN KUMAR.T
Advocate.
For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.67 of 2023 on the file of the Respondent Police.
ORDER : The Court made the following order :-

The petitioner/Accused Nos.2 and 3, who was arrested on 18.06.2023 for the alleged offence under clause 6(4) of TNSC (RDCS) order 1982, r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.67 of 2023 on the file of the respondent Police, seeks bail.

2. The prosecution case is that on 18.06.2023, the respondent Police received secret information about hoarding of scheduled commodities. On receipt of information, the respondent went to inspect a godown situated nearby AIA Engineering Limited. At that time, the petitioners and A1 were standing in front of the godown. The enquiry conducted by the respondent Police with the petitioners and others, revealed that they possessed 120 bags of rice (each contains 50 kgs) inside of the godown and the same were seized. It is further alleged that the petitioners collected rice from the ration card holders of the locality and kept the same in the godown.

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3.The learned counsel for the petitioner submitted that the petitioners have not committed any such offences as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 18.06.2023.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the first petitioner is the habitual offender and history sheet is maintained against him in H.S.No.2 of 2023 before the respondent Police. So far as the second petitioner is concerned, there is no previous case is pending against him either similar in nature or some other nature.

5. The petitioners moved the bail before the Principal District and Sessions Judge, Tiruchirappalli, that was dismissed by the order dated 03.07.2023. After that the present petition has been filed. The first petitioner is having one previous case in Crime No.32 of 2023 on the file of the respondent Police Station. Considering the bad antecedents, the first petitioner is not entitled for bail now. If he is released on bail, he will indulge in such sort of activities in future, hence, this Court is not inclined to grant bail to the first petitioner.

6. So far as the second petitioner is concerned, there is no previous case is pending against him. Total value of rice is Rs.28,500/- and the above said amount shall be deposited by the second petitioner to the credit of this crime number before the concerned Court. Considering the fact and circumstances of this case and considering that there is no previous case pending against the second petitioner, this Court is inclined to grant bail to the second petitioner with certain conditions;

7. Accordingly, this Criminal Original Petition is partly allowed. In respect of the second petitioner namely Kavinkumar, he is ordered to be released on bail, on executing a personal 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 VI, Trichy District, he is further directed to deposit a sum of Rs.28,500/- (Twenty Eight Thousand and Five Hundred) to the credit of this crime number before the concerned Court and on further condition that the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders. In respect of the first petitioner, the Criminal Original Petition is dismissed.

sd/-
06/07/2023

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06/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE NO.VI,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D.,
TRICHY DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.LENIN KUMAR.T Advocate SR.No.10261

ORDER
IN
CRL OP(MD) No.12253 of 2023
Date :06/07/2023

SA/VR/SAR. /06.07.2023/3P/7C

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