



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/07/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12708 of 2023

1. Durairaj
2. Karthikeyan
3. Maharaja
4. Muralidharan ... Petitioners/Accused 2,4 to 6

Vs

The State rep.by
The Inspector of Police,
Thanjavur CSCID Police Station,
Thanjavur,
Thanjavur District.
(Crime No.73 of 2023).

... Respondent/Complainant

For Petitioners : M/s.PRAGALATHAN.N, 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.73 of 2023 on the file of the Respondent Police.

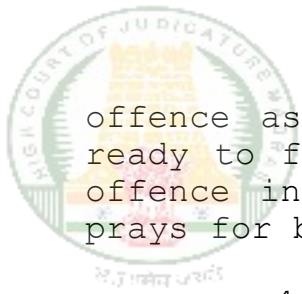
ORDER : The Court made the following order :-

The petitioners/A2,A4 to A6 herein, who were arrested on 28.06.2023 for the alleged offence under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of EC Act, 1995, in Crime No.73 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 28.06.2023 on secret information, the respondent police has conducted searching and at that time, the accused persons were carrying 9350 kgs of PDS rice in vehicle, worth about Rs.33,750/-. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any

<https://www.mhc.tn.gov.in/judis>



offence as alleged by the prosecution. The petitioners are ready to file an undertaking that they will not commit any similar offence in future. They are in custody from 28.06.2023. Hence, prays for bail.

4.The learned Additional Public Prosecutor submitted that the first petitioner is having two previous cases, similar in nature. Though the other petitioners are not having previous case at their credit, they were found in illegal possession of PDS rice. Hence, prays to dismiss the petition.

5.It seems that the first petitioner is a habitual offender. Since after release on bail in the previous cases, he has indulged in this case. Considering the bad antecedents of the first petitioner, this Court is not inclined to enlarge him on bail. Hence, this Criminal Original Petition is dismissed as against the first petitioner.

6.In respect of petitioner Nos. 2 to 4, considering the facts and circumstances of the case, the readiness of the petitioner Nos. 2 to 4 to file an undertaking affidavit that they will not indulge in any offence in future and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioner Nos. 2 to 4 with stringent conditions.

7.Accordingly, this Criminal Original Petition is allowed on condition that the petitioner Nos. 2 to 4 shall deposit a sum of **Rs.33,750/- (Rupees Thirty Three Thousand Seven Hundred and Fifty only)** to the credit of Cr.No.73 of 2023 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

8.On such deposit being made, the petitioner Nos. 2 to 4 are ordered to be released on bail, on executing a personal 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 learned **Judicial Magistrate No.II, Thanjavur,** on further condition that the **petitioner Nos. 2 to 4 shall also file an undertaking affidavit before the trial Court that they will not indulge in any offence in future** and on further condition that the petitioner Nos. 2 to 4 shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

12/07/2023

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12/07/2023

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



1 THE JUDICIAL MAGISTRATE NO.2,
THANJAVUR, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE,
THANJAVUR CSCID POLICE STATION,
THANJAVUR,
THANJAVUR DISTRICT.

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

+1. CC to M/S PRAGALATHAN.N Advocate SR.No.10585

ORDER

IN

CRL OP(MD) No.12708 of 2023

Date :12/07/2023

SA/VR/SAR. /12.07.2023/3P/7C