



Crl.O.P.(MD) No.23538 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 28.12.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.23538 of 2023

1.Yobu @ Suriya

2.Ajay

... Petitioners / Accused (Rank not known)

Vs

The State Represented by
The Inspector of Police,
Thanjavur CSCID Police Station,
Thanjavur District.
(Crime No.188 of 2023)

... Respondent

For Petitioners : Mr.R.Sakthivel, Advocate

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)

PRAYER: Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail to the petitioners in Crime No.188 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 26.12.2023 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.

2. The petitioners/ Accused were arrested and remanded to judicial custody on 07.12.2023 for the alleged offences punishable under Sections 6(4) of the Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System Order, 1982 r/w 7(1)(a)(ii) of the Essential Commodities Act, 1955 (Act No.10 of 1955) in Crime No.188 of 2023, on the file of the respondent police.

3. The case of the prosecution is that on 06.12.2023, when the police were indulged in patrolling, they found the petitioners illegally transporting 1200kgs of PDS rice worth of Rs.6780/- in a TATA Van bearing Registration No.TN-49-CY-9730. Hence, the case.

4. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are in judicial custody since 07.12.2023.

Accordingly, he prayed to grant bail to the petitioners.



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5. The learned Government Advocate (Criminal side) appearing for the respondent police submitted that the petitioners have illegally transported 1200kgs of PDS rice worth of Rs.6780/-. He further submitted that the petitioners have no previous case; that investigation is not yet completed; and that at this stage of investigation, if bail is granted to the petitioners, they will cause threat to the defacto complainant and witnesses. Accordingly, he prayed to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The respondent police seized 1200kgs of PDS rice from the petitioners along with the offending vehicle. The petitioners were arrested and remanded to judicial custody on 07.12.2023. The petitioners have permanent residence. They are the first offenders. Hence, with a view to give one more opportunity to reform themselves and also considering the nature of the offence allegedly committed by the petitioners, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

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



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(i) The petitioners shall execute a bond for Rs.25,000/- each (Rupees Twenty Five Thousand only) and furnish two sureties each, of which, one shall be a blood relative, each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Additional District and Sessions Judge, (Special Court under EC Act Case), Thanjavur;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall appear and sign before the respondent police daily at 10.00 a.m., until further orders;

(iv) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(v) On breach of any of the aforementioned conditions, the learned Judicial Magistrate is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
28/12/2023

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29/12/2023
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

sjj

To

- 1.The Additional District and Sessions Judge,
(Special Court under EC Act Case), Thanjavur.
- 2.The Inspector of Police,
Thanjavur CSCID Police Station, Thanjavur District.
- 3.The Officer Incharge, District Prison, Pudukkottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.23538 of 2023
Date :28/12/2023

RK (29/12/2023) 5P / 5C

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