



Crl.OP.No.12343 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12343 of 2024

Murugan

... Petitioner

Vs.

State by :-

The Inspector of Police,
CSCID Police Station,
Krishnagiri District.
(Crime No.94/2024)

... Respondent

Prayer : Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.94/2024 on the file of the respondent police.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)



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ORDER

The petitioner/A2 who was arrested and remanded to judicial custody on 06.05.2024 for the offence punishable under Section 6 (4) of TNSC (RDCS) Order 1982 r/w 7 (i) a (ii) of Essential Commodities Act, 1955 in Crime No.94 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is found in possession of 1200 kgs of PDS Rice illegally. Hence, this complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, who is in no way connected with the alleged offence, and a false complaint has been foisted against him for statistical purpose. Hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner is in possession of 1200 kgs of PDS Rice illegally and he is having one previous case and that the investigation is pending. Hence, he vehemently



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opposed for grant of bail to the petitioner.

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5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. It is noticed that the petitioner is the second accused in Crime No.94 of 2024 along with the first accused for the alleged offence punishable under Section 6 (4) of TNSC (RDCS) Order 1982 r/w 7 (i) a (ii) of Essential Commodities Act, 1955. The petitioner was arrested and remanded to judicial custody on 06.05.2024. The first accused has been arrested on 10.05.2024.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the petitioner is in judicial custody from 06.05.2024, this Court is inclined to grant bail to the petitioner with certain conditions.



8. Accordingly, the petitioner is directed to deposit a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred Only) to the credit of Crime No.94 of 2024 and on such deposit 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 No.I, Krishnagiri 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 card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.7,500/-(Rupees Seven Thousand Five Hundred Only) to the credit of Crime No.94 of 2024 and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

[d] the petitioners shall not abscond either during investigation or



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[f] 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].

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

22.05.2024

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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To

- 1.State Rep. By
The Inspector of Police,
CSCID Police Station,
Krishnagiri District.
- 2.The Judicial Magistrate No.I, Krishnagiri.
- 3.The Sub Jail, Krishnagiri.
- 4.The Public Prosecutor, High Court of Madras.



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C.SARAVANAN, J.
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