



CRL O.P. No.21394 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21394 of 2024

R.Ganesan

... Petitioner / Accused-3

Vs

State rep. by
The Sub Inspector of Police,
Civil Supply C.I.D., Thirupathur,
Thirupathur District.

(Crime No.206 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.206 of 2024, on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.08.2024 for the offences punishable under Section 6(4) of Tamil Nadu Scheduled Commodities (Regulation of Distribution Through card system) Order 1982 r/w Section 7(1)(a)ii of the Essential Commodities Act, 1955, in Crime No.206 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 08.08.2024 at about 08.00 p.m., when the respondent and his subordinates were conducting routine vehicle checkup, the petitioner along with the other accused were found in illegal transportation of 232 bags of PDS rice in a lorry bearing Regn.No.TN-41-AW-7639. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the property has been seized from the other accused and not from this petitioner. He would further submit that only



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based on the confession statement of the co-accused, the petitioner was implicated in this case. He would further submit that the petitioner was already detained under Tamil Nadu Act 14 of 1982 and thereafter, the said detention order has been revoked. He would further submit that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner was found in possession of 232 bags of PDS rice in a lorry bearing Regn.No.TN-41-AW-7639. He would further submit that there are 14 previous cases against the petitioner similar in nature. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences and that the petitioner's name does not find place in FIR and only based on the confession statement of the co-accused, the petitioner was added as an accused in this case and considering that there is no recovery from this petitioner and that the



petitioner was already detained under Tamil Nadu Act 14 of 1982 and thereafter, the said detention order was set aside and taking into consideration the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute 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 **Judicial Magistrate No.IV, Vellore**, and on further conditions that;

[b] the Petitioner shall report before the respondent police on everyday at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the conditions have



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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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

02.09.2024

ata

To

- 1.The Judicial Magistrate No.IV, Vellore.
- 2.The Sub Inspector of Police,
Civil Supply C.I.D., Thirupathur,
Thirupathur District.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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