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CRL O.P. No.23762 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.09.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.23762 of 2024

Sarathy

.... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CSCID,
Chennai South Unit.

... Respondent

PRAYER:- The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No. 228 of 2024 on the file of the respondent police.

For Petitioner : Mr.V.S.Senthil Kumar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested on 04.09.2024 and remanded to judicial custody on 05.09.2024 for the offence punishable under Section 6(4) of TNSC (RDCS) order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.228 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner illegal transported 3000 kgs of PDS ration rice without valid license. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that the petitioner illegal transported 3000 kgs of PDS ration rice without valid license and one previous case is pending against the petitioner and further, considering the gravity of offence, he opposed for grant of anticipatory bail to the petitioner.

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

6. Considering the representations made by both sides and nature of offences charged against the petitioner and also considering the fact that based on the confession statement of the co-accused, this petitioner was arrested and though the petitioner is having one previous case and in that case, the petitioner was already released on bail and also considering the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:



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[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 **VI Metropolitan Magistrate, Egmore, Chennai** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.30 A.M. for a period of 30 days.

[c] the petitioner shall attend in accordance with the conditions of the bond.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected.

[f] 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 or tamper with the evidence.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action



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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].

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

26.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
nsl



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P.DHANABAL,J

nsI

To

1. The VI Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
CSCID,
Chennai South Unit.
3. Central Prison, Puzhal.
4. The Government Advocate (Crl.Side), High Court, Madras.

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