



WEB COPY



CrI.O.P.No.24496 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.24496 of 2024

Hakkim

...Petitioner

Vs.

State rep by
The Inspector of Police,
Tiruppur CSCID Police Station,
Tiruppur District
(Crime No.255 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.255 of 2024 on the file of respondent police.

For Petitioner : Mr.G. Vinodh Kumar

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

ORDER



Crl.O.P.No.24496 of 2024

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 19.09.2024 for the offences under Sections 6(4) of TNSC (RDCS) Order 1982, r/w 7(1)(a)(ii) of EC Act 1955 in Crime No.255 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession 5800 kgs of PDS rice. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 19.09.2024 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) opposes the grant of



Crl.O.P.No.24496 of 2024

bail to the petitioner by stating that the petitioner along with other accused were found in illegal possession 5800 kgs of PDS rice. He further submitted that there is no previous cases pending against the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the arguments from both sides, the nature of the offence, the quantity involved in the case, the recovery of the PDS rice by the authorities concerned and taking note of the fact that there is no previous cases pending against the petitioner and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, 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.II, Tiruppur and on further conditions that:



CrI.O.P.No.24496 of 2024

WEB COPY

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m until further orders.

[b] the petitioner shall attend in accordance with the conditions of the bond;

[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 or tamper with the evidence;

[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 been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



CrI.O.P.No.24496 of 2024

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.

03.10.2024

smn

To

1.The Judicial Magistrate No.II, Tiruppur

2. The Inspector of Police,
Tiruppur CSCID Police Station,
Tiruppur District

2.The Sub Jail, Tiruppur.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

smn



WEB COPY



Crl.O.P.No.24496 of 2024

Crl.O.P.No.24496 of 2024

03.10.2024