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Crl.O.P.No.29318 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.29318 of 2024

Shanmugam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Civil Supply CID, Vellore.

(Crime No.195 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.195 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Vasanth

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A1, who was arrested and remanded to judicial custody on 22.07.2024, seeking bail in Crime No.195 of 2024 registered for the offence under Sections 6(4) of the Tamil Nadu Scheduled Commodities Act, (RDCS) Order, 1982 r/w Section 7(1) (a) (ii)



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of Essential Commodities Act, 1955.

2. The case of the prosecution is that the petitioner/A1 was found in illegal possession of 22,700 Kgs of PDS rice worth about Rs.1,96,055/-. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He submitted that it is true that the petitioner has some previous cases and in order to keep him under fetters, the respondent had foisted the present case against him. Hence, he prayed for grant of bail to the petitioner, who is in custody from 22.07.2024, stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that the petitioner / A1 was found in illegal possession of 22,700 Kgs of PDS rice worth about Rs.1,96,055/-. He also submitted that the petitioner was detained under 'Goondas' and now, it has been revoked. His further submission is



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that the charge sheet has been filed and not taken on record by the learned Judicial Magistrate No.4, Vellore. It is also his submission that the petitioner has got 5 previous cases. Therefore, if he is released on bail, there is a possibility of him absconding and not available for further investigation.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.IV, Vellore**, and on further conditions that:



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[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 report before the learned Judicial Magistrate No.IV, Vellore, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]*;

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

22.11.2024

Anu



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To

1. The Judicial Magistrate No.IV, Vellore.
2. The Inspector of Police,
Civil Supply CID, Vellore.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

Anu

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