



CRL OP(MD). No.7428 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.7428 of 2024

Balamurugan

... Petitioner/ Accused
(Rank Not Known)

Vs

The Inspector of Police,
Civil Supplies C.I.D,
Thanjavur.
Crime No.83 of 2024.

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar, Advocate.
For Respondent : Mr.A.Thiruvadi Kumar,,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.83 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused rank not known, who was arrested and remanded to judicial custody on 27.04.2024 for the offences under Clause 6(4) of TNSC (RDCS) Order 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.83 of 2024 on the file of the respondent police seeks bail.



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2. The case of the prosecution is that when the respondent Police was on surveillance, an Ashok Leyland Dost vehicle was found to be loaded with 36 bags of broken rice (each containing 50 Kgs). Further, it is alleged that the petitioner has collected the rice from the local family card holders and transported the same in the said vehicle. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and is no way connected with the alleged offences. Further, based upon the confession statement of the co-accused, this petitioner has been implicated in this case and the petitioner is in custody for the past 28 days. However, the petitioner is ready to deposit a sum of Rs.20,000/- to the Government Model Girls Higher Secondary School, Y.Othakadai, Madurai, without prejudice to his defence before the trial Court. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and other accused persons were found in illegal transportation of 1800 kgs of PDS rice using the vehicle. Further, A2 was released on bail on medical grounds. Hence, he prays to dismiss this petition.

5. Heard both sides. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned



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counsels and also considering the period of incarceration, this court is inclined to grant bail to the petitioner, subject to the following 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 learned Judicial Magistrate No.I, Thanjavur, and on further conditions that :-

[a] as per the undertaking given by the petitioner, the petitioner shall make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) in favour of the Headmaster, Government Model Girls Higher Secondary School, Y.Othakadai, Madurai, bearing Account No.10968750674, IFSC No.SBI0002246, State Bank of India, Othakadai Branch, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties; Thereafter, the Headmaster of the School shall spend the amount for purchasing the benches and desks for 12 newly constructed class rooms under "Namakku Naame" Scheme and file necessary proof before the learned Magistrate;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.



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

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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 is 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.

sd/-
22/05/2024

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22/05/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu

TO

1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, CIVIL SUPPLIES C.I.D, THANJAVUR,

4 THE OFFICER INCHARGE, DISTRICT PRISON, THANJAVUR.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMASTER,
GOVERNMENT MODEL GIRLS HIGHER SECONDARY SCHOOL,
Y.OTHAKADAI, MADURAI.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-5579[I] dated 22/05/2024)

ORDER
IN

CRL OP(MD) No.7428 of 2024

Date :22/05/2024

RS//SAR-(22.05.2024) 5P 8C

Madurai Bench of Madras High Court is issuing
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