



CRL OP(MD). No.10729 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.10729 of 2024

Manu

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Civil Supplies Cid,
Kuzhithurai at
Nagercoil,
Kanyakumari District,
Crime No.135/2024.

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar.T,
Advocate.

For Respondent : Mr.R.M, Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.135/2024 on the file of the respondent police



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ORDER : The Court made the following order :-

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The petitioner/ Accused, who was arrested and remanded to judicial custody on 03.07.2024 for the offences punishable under Sections 6(4) of TNSC (RDCS) Order, 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955 in crime No.135 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.07.2024, when the respondent police intercepted a Lorry bearing Registration No.KL-B-4066, it was found to be loaded with 300 bags of PDS rice (each contains 50 Kgs). The petitioner collected rice from the godown of the third accused and gave it to the first accused.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is not having any previous case for similar offence.

The investigation in this case is not yet completed. Hence, he strongly opposed to



grant bail.
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5.Considering the submissions made by the learned counsel on either side and also considering the period of incarceration and that there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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.III, Nagerocil and on further condition that;

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the Regional Cancer Centre, Government Rajaji



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Hospital, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.III, Nagercoil.

(iii)the petitioner shall appear before the respondent Polie daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

(iv)the petitioner shall not tamper with evidence or witness;

(v)the petitioner shall not abscond during trial.

vi)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].



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vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/07/2024

/ TRUE COPY /

18/07/2024
Sub-Assistant Registrar (CS -II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE JUDICIAL MAGISTRATE NO.III, NAGEROCIL
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
3. THE OFFICER IN CHARGE,DISTRICT PRISON, KANNIYAKUMARI.
4. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
KUZHITHURAI AT NAGERCOIL,
KANYAKUMARI DISTRICT,
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
REGIONAL CANCER CENTRE, GOVERNMENT RAJAJI HOSPITAL, MADURAI,

<https://www.mhc.tn.gov.in/judis>



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WEB COPY +1 CC to M/s.T.LENINKUMAR, Advocate (SR-8049[I] dated 18/07/2024)

ORDER
IN
CRL OP(MD) No.10729 of 2024
Date :18/07/2024

RK (18/07/2024) 6P / 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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