



CRL OP(MD). No.11094 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/07/2024

PRESENT

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

CRL OP(MD). No.11094 of 2024

Marimuthu

... Petitioner/ Accused No.2

Vs

The Inspector of Police,  
Civil Supplies Cid, Kulithuri Police  
Station, Kanyakumari District. Crime No.  
105/2024.

... Respondent/Complainant

For Petitioner : C.Venkatesh,  
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. 105 of 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 15.07.2024 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.105 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 31.05.2024, when the respondent police conducted a vehicle check up, it was found to be loaded with 3000 kgs of PDS rice from Tamil Nadu to Kerala. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that co-accused already released on bail. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is having 5 previous cases in similar offence. He would further submit that the property recovered is worth about Rs.40,000/- and the investigation is pending. 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 the co-accused already released on bail, 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, 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.5,000/- (Rupees Five Thousand only) to the Madurai Bench of Madras High Court Siddha Unit operated by the Registrar (Admin) (**Account No:-6865578213, IFSC Code:- IDIB000H040, Indian Bank Madurai**) without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing



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sureties;

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(iii)the petitioner shall appear before the respondent Polie daily at 10.30 am for a period of two 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].

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

sd/-  
22/07/2024

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Sub-Assistant Registrar (C.S. )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TRP



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TO  
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1. Judicial Magistrate, Nagercoil.
2. Do-Through The Chief Judicial Magistrate,  
Kanyakumari District.
3. The Superintendent, Central Prison, Palayamkottai.
4. The Inspector of Police,  
Civil Supplies Cid, Kulithuri Police  
Station, Kanyakumari District. Crime No.  
105/2024.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

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The Registrar (Admin)  
Madurai Bench of Madras High Court, Madurai

ORDER  
IN  
CRL OP(MD) No.11094 of 2024  
Date : 22/07/2024

KB(22.07.2024) 5P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.