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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2024

PRESENT

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

CRL OP(MD). No.12072 of 2024

Ezhilkumar

... Petitioner/ 1st Accused

Vs

The Sub Inspector of Police,
Cscid Police Station,
Kuzhithurai at Nagercoil,
Kanyakumari District.
Crime No. 136/2024.

... Respondent/Complainant

For Petitioner : M/s.Arul S,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 136 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody
on 05.07.2024 for the offences punishable under Sections 6(4) of TN Scheduled



Commodities (RDCS) Order, 1982 and under Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in crime No.136 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein and other accused have illegally transported 15,500 kgs of PDS rice worth about Rs.3,00,000/- and the same has been recovered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 05.07.2024, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the petitioner herien is having one previous case in similar nature and the property has been reocvered. He would further submit that investigation of the case is pendinga and hence, he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and that the property has been recovered, 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, Nagercoil, Kanniyakumari District and on further conditions 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 report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

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

(iv) the petitioner shall not abscond during trial.

v) 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].

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

sd/-
30/07/2024

/ TRUE COPY /

30/07/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO
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1. The Judicial Magistrate III, Nagercoil.
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
3. The officer incharge, District Jail, Nagercoil.
4. The Sub Inspector of Police,
Cscid Police Station,
Kuzhithurai at Nagercoil,
Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.12072 of 2024
Date :30/07/2024

MK/30.07.2024 4P 6C

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