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Crl.O.P.No.1194 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-01-2025

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

CRL OP NO. 1194 of 2025

1. N.Sugumar
2. S.Venkatesh Kumar

... Petitioners

Vs

State Rep.By
The Inspector Of Police
C.S.C.I.D. Vellore.
(Cr.No.259 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioners on bail, in Crime No.259 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.M.R.Thangavel

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



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ORDER

Heard the learned counsel on either side.

2. The petitioners stand accused in Crime No. 259 of 2024 on the file of respondent police for the offences under Sec.6(4) of TNSC (RDCS) Order 1982, r/w 7(1) a [ii] of E.C.Act. They were arrested on 31.12.2024. The specific allegation against them is that the petitioners said to have illegally possessed 1500 kgs. of PDS Rice and 4300 kgs. of dhal.

3. Learned counsel for petitioners addresses that no previous case is pending against the petitioners.

4. Learned Government Advocate (Crl. Side) would also submit that no previous case is pending against the petitioners and there is a proposal for detaining them under Goondas Act as they are habitual offenders.



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4. Taking into account the over all facts and circumstances and though learned Government Advocate submitted that a proposal for detaining them under Goondas Act, I am of the view that the petitioners' continuity of incarceration will not serve any purpose and and it is needless to say that the grant of bail will not prevent the respondent police from exercising its jurisdiction. Hence, this Court is inclined to grant bail to the petitioners, subject to the following conditions:-

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute 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.IV, Vellore** and on further conditions that:-

[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the learned trial judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police



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daily at 10.30 a.m., until further orders.

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 BNS.

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To

- 1.The Judicial Magistrate No.IV,
Vellore.
- 2.The Inspector of Police,
C.S.C.I.D. Vellore.
- 3.The Superintendent,
Vellore Central Prison, Thorapadi.
- 4.The Public Prosecutor,
High Court of Madras.



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G.R.SWAMINATHAN, J.

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