

(2023) 11 MAD CK 0141

Madras High Court (Madurai Bench)

Case No: Criminal Original Petition (MD) No. 20895 Of 2023

Govindasamy

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Nov. 21, 2023

Acts Referred:

- Tamil Nadu Scheduled Commodities (Regulation Of Distribution By Card System) Order, (1982) - Section 6(4)
- Essential Commodities Act, 1955 - Section 7(1)(a)(ii)

Hon'ble Judges: G.Ilangovan, J

Bench: Single Bench

Advocate: D.Rameshkumar, R.M.Anbunithi

Judgement

G.Ilangovan, J

1. The petitioner/Accused No.4 herein, who was arrested and remanded to judicial custody on 13.10.2023 for the alleged offences under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) order 1982 r/w. Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.144 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the respondent police on receipt of secret information regarding transportation of PDS rice they conducted raid on 13.10.2023 at about 6.00 a.m., near Keelavasal Fish Market, Thanjavur they found the petitioners along with other accused carrying 1800kgs of PDS rice in Mahindra Bolero Maxi Truck vehicle bearing Reg. No. TN20 CD 8420. Hence, the case.

3. Earlier the petitioner along with co-accused filed an application seeking bail before this Court. That was came to be dismissed in respect of this petitioner. Considering the previous antecedents of the petitioner, that petition was dismissed.

4. Now this petition has been filed on the ground that the petitioner is in judicial custody from 13.10.2023 and the property was also recovered.

5. The learned Additional Public Prosecutor submitted that the petitioner along with other accused have illegally transported 1800kgs of PDS rice meant for general public. He would further submit that the property has been recovered. The earlier application was dismissed only considering the previous antecedents of the petitioner.

6. Thought the petitioner is having previous antecedents, considering the period of incarceration only, this Court is inclined to grant bail to the petitioner with stringent conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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.I, Thanjavur, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.