

In the Court of the Principal District Judge, Madurai.

Present : Tmt.A. Nazeema Banu, B.A., L.L.M.,

Principal District Judge, Madurai.

Friday, this the 5th day of June -2020.

CrI.M.P.No.2760/2020

Parthasarathy,S/o.Kanchivanam

... Petitioner/Accused.

Vs

State through the Inspector of Police,

CSCID,P.S. Cr.No.54/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.T.Dhandapani, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Bail petitions under section 439 of Cr.P.C.
2. The offences alleged are under section 6(4) TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of EC Act.
3. Heard both sides.
4. This Court has carefully perused the arguments on both side. The learned counsel for the petitioner would submit that a case has been registered against the accused in Cr.No.54/2020 of CSCID P.S. U/Sec. 6(4) TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of EC Act, the date of occurrence was on 22.5.2020, the petitioner was arrested on 23.5.2020 and he is in judicial custody for the past 14 days, totally there are 2 accused in this case, the petitioner is aged about 60 years. The case of prosecution is that while the respondent police

was on patrol duty, the accused are said to have transported PDS rice containing 6 bags in a share auto and the same was recovered by the police, the A2 was arrested and released on bail on own bond. The learned public prosecutor while advancing his argument has submitted that the A2 is a minor and he was released on bail on own bond and he placed his objection to allow this petition. Considering the period of incarceration for the past 14 days and considering the fact that the properties have recovered by the police and the age of the petitioner, this Court is inclined to grant bail to the petitioner on condition.

9. In the result, the Petitioner is ordered to be enlarged on bail on his executing an own bond for Rs.10,000/- to the satisfaction of the **Superintendent, District Jail, Virudhunagar**. After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- each with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders. The petitioner shall co-operate with the investigation and they shall not threaten the witnesses, he shall not induce witnesses and they shall not cause obstacles to the pending investigation. If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in *P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560*. Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 5th day of June -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, CSCID, P.S.
3. The Superintendent, District Jail, Virudhunagar.
4. The Petitioner through his counsel.