



CRL OP(MD). No.20683 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20683 of 2024

Zakeer Hussain

... Petitioner/ Accused Rank not known

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
CSCID Kuzhithurai Police Station,
Kanyakumari,
(Crime No. 264 of 2024).

... Respondent/Complainant

For Petitioner : Mr.R.Ponkarthikeyan,

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 264 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent



CRL OP(MD). No.20683 of 2024

police for the alleged offence under Sections 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.264 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A2 and A3 were transporting 690 kgs of PDS rice in a Mahindra Scorpio Vehicle. They were intercepted on 19.11.2024 and the rice was seized and they were arrested. The allegation against the petitioner is that vehicle stood in the name of the petitioner. There are totally four accused persons and the petitioner has been arrayed as A1.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

4. When the matter came up for hearing on 27.11.2024, the learned Government Advocate (Crl.Side) submitted that there are six previous cases against the petitioner and that the vehicle, that was used by A2 and A3 to transport the rice belongs to the petitioner and stands in the name of the petitioner.

5. This Court wanted to confirm the said fact. This Court directed the



CRL OP(MD). No.20683 of 2024

WEB COPY
the RC Book.

learned Government Advocate (Crl.Side) to take written instructions and to produce the RC Book.

6.When the matter was taken up for hearing today, the learned Government Advocate (Crl.Side) produced the written instructions received from the Sub Inspector of Police, CSCID Police.

7.As per the written instructions, it is seen that the vehicle actually stands in the name of Kishore and this vehicle is said to have been sold in favour of the petitioner (A1) and the petitioner is keeping the vehicle without effecting the name transfer.

8.The learned counsel for the petitioner submitted that in every case, the petitioner is being roped in, on the ground that his vehicle is being used for transporting PDS Rice, whereas, the vehicle does not belong to the petitioner and he does not own the vehicle.

9.Taking into consideration of the facts and circumstances of the case and the submissions made before this Court and considering the fact that the petitioner has been roped into the case, based on the confession of co-accused and



CRL OP(MD). No.20683 of 2024

based on the fact that the petitioner is the owner of the vehicle and the PDS rice and the vehicle have already been seized, this Court is inclined to grant anticipatory bail to the petitioner.

10. Accordingly, this criminal original petition is ordered and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned *Judicial Magistrate No.III, Nagercoil*, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police on every Monday and Friday at 05.30p.m., for a period of eight weeks, thereafter, as and when required for interrogation.



CRL OP(MD). No.20683 of 2024

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

sd/-
28/11/2024

/ TRUE COPY /

/12/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO

1 THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



CRL OP(MD). No.20683 of 2024

3 THE INSPECTOR OF POLICE,
CSCID KUZHITHURAI POLICE STATION,
KANYAKUMARI

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-14648[I] dated 28/11/2024)

ORDER
IN

CRL OP(MD) No.20683 of 2024
Date :28/11/2024

SS/VR/SAR- /05/12/2024/ 6P/6C

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