



CRL OP(MD). No.22989 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

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Kotharmoohaithin @ Kothar Mydeen

...Petitioner/ Accused No.2

Vs

The State of Tamil Nadu rep. by  
The Inspector of Police,  
Madurai Police Station,  
CS CID – Madurai.  
(Crime No.345/2024)

... Respondent/Complainant

For Petitioner : Mr.K.Dinesh  
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi  
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.345 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the



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respondent for the offences punishable under Section 6(4) of Tamil Nadu Scheduled Commodities (RDCS), 1982 r/w 7(1)(a)(ii) of EC Act, 1955, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is working as Weight Lifter in a ration shop. On 17.12.2024 at about 3.30 p.m. While the respondent police personnel were on picketing duty on the secret information, they found a Vehicle Abe Auto and when the same was investigated, it was found that nearly 400 Kgs of PDS rice illegally transported and the accused No.1 had confessed that he had brought the same from this petitioner and on his confession, this petitioner has been arrayed as A2. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case and he is not having any previous cases and he is 60% disabled person. He has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) fairly submits that no criminal case is pending against the petitioner and he has illegally transported huge quantity of PDS rice. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and the nature of offences



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charged against the petitioner, that no previous case is pending against the petitioner, considering the quantity of material involved in this case and also considering the fact that this petitioner has been implicated only on the confession of the co-accused, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on anticipatory 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 Judicial Magistrate No.3, Madurai, and on further conditions that:

[b] the petitioner shall report before the respondent police every Saturday at 10.00 a.m. for a period of four weeks, and thereafter as and when required for the interrogation.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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



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released on bail by the learned Magistrate/Trial Court himself as laid down by the

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Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under  
Section 269 B.N.S.

sd/-  
27/12/2024

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/ 01 / 2025  
Sub-Assistant Registrar (C.S. I / II / III / IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

RJR

TO

1 THE JUDICIAL MAGISTRATE  
NO.3, MADURAI.

2 DO-THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,  
MADURAI POLICE STATION,  
CS CID - MADURAI.

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



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ORDER  
IN  
CRL OP(MD) No.22989 of 2024  
Date :27/12/2024

PSP/ SKN /SAR /02.01.2025/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified  
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