



CRL OP(MD) No.23116 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

CRL OP(MD). No.23116 of 2024

1. Manikandan,

2. Insam,

3. Muhammad Nissam,

... Petitioners/ Accused Rank not known

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Cscid Madurai,
Tenkasi.

Crime No.158 of 2024..

... Respondent/Complainant

For Petitioner : Mr.C. Susikumar,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory in Crime no.158 of 2024 on the file of the Respondent Police.



CRL OP(MD) No.23116 of 2024

ORDER: The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent for the offences punishable under Section 6(4) of the TN Scheduled Commodities (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused carried PDS rice in his vehicle without any valid permit. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution and only based on the confession statement of the co-accused, the petitioners were implicated in this case.

4. The learned Government Advocate (Crl. Side) would submit that the accused had transported PDS rice without valid permit and the investigation is at initial stage, however he submitted that no previous criminal case is pending against the petitioners 2 and 3 and the first petitioner has two previous cases similar in nature and that based on the confession statement of the co-accused, the petitioners were implicated in this case. Hence, he opposed to grant anticipatory bail to the petitioner.



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

6. Considering the rival submissions on either side and the nature of offences charged against the petitioners, the fact that no previous case is pending against the petitioners 2 and 3 and that only based on the confession statement of the co-accused, the petitioners were implicated in this case and that though the first petitioner has two previous cases similar in nature, he was granted bail, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on anticipatory bail on condition to execute bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.II, Tirunelveli, and on further conditions that:

[b] the petitioners shall report before the respondent police daily at 10.00 a.m. for a period of thirty days, and thereafter as and when required for the interrogation.

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



CRL OP(MD) No.23116 of 2024

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

[e] the petitioners 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 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].

[g] If the accused thereafter abscond, 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.

SM

TO

1. The Judicial Magistrate No.II, Tirunelveli.

2. Do-Through The Chief Judicial Magistrate,
Tirunelveli District.



CRL OP(MD) No.23116 of 2024

3. The Inspector of Police,
Cscid Madurai,
Tenkasi.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to C. SUSIKUMAR Advocate SR.No.15953(i) dated 31/12/2024

ORDER
IN

CRL OP(MD) No.23116 of 2024

Date :27/12/2024

SS/SKN/SAR- /02/01/2025/ 5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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