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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2739 of 2025

ASHOKAN

S/o. Murukesan, No.3/696, Ponniyamman Koil
Street, Velankandigai,
Santhanavengopalapuram, Vanganur,
Tiruvallor District - 631 304.

Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
CSCID, Tiruvallur, Tiruvallur District. (Crime
No. 24 of 2025)

Respondent(s)

For Petitioner(s):

A Murugavel
C.Pushparaj

For Respondent(s):

Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TNSC (RDCS) Order 1982, r/w 7(1)(a)(ii) of EC Act, 1955 in Crime No.24 of 2025 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner along with other accused was found to be in illegal possession of 2050 kgs PDS rice. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further states that the co-accused was granted anticipatory bail by this Court. Since the contraband has already been seized, the petitioner's custody is not required in this case. He also submits that without prejudice to his defence and contentions, he is ready and willing to deposit a sum of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or any organization. Furthermore, the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for the grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner, along with other accused person, was found to be in illegal possession of 2050 kgs PDS rice, which was seized from him; and there are four similar cases registered against the petitioner in the year 2020



and 2021. Hence, he opposes for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case as well as the voluntary submission made by the petitioner offering to deposit a considerable amount to any charitable organization or association, this Court is inclined to grant anticipatory bail to the petitioner. This Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioner may be directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of District Legal Services Authority, Thiruvallur District, without prejudice to his rights and contentions before the trial Court.

7. It is made clear that merely because the petitioner is depositing the amount, it would not amount to the petitioner admitting his guilt in the criminal case and such amount is being paid without prejudice to the



right of the petitioner.

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8.Considering the nature of allegations; that the contraband was seized, and that custodial interrogation of the petitioner is not required for the investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on 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 ***Judicial Magistrate No.I, Thiruvallur District*** 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.



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

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

[e] 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

05.02.2025

rpl

To

1.The Inspector of Police,
CSCID, Tiruvallur,
Tiruvallur District.

2.The Public Prosecutor, High Court of Madras,
Chennai



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SUNDER MOHAN,J.

rpl

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