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Crl.O.P.No.3182 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3182 of 2025

Senthil @ Senthilkumar
S/o Muthusamy No.7/138 Elur Road
Kalangaigani, Namakkal District

Petitioner(s)

Vs

State rep by the Inspector of police
Kallakurichi Police Station, CSID Chennai
District Crime no.32 of 2024

Respondent(s)

For Petitioner(s): P. Rajavel

For Respondent(s): Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(4) TN Scheduled Commodities (RDCS) Order, 1982 R/W Section 7(1)(a)(11) Essential Commodities Act, 1955 in Crime No.32 of 2025, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, based on secret information, the respondent police went to the spot and found that the accused persons A2 and A3 have illegally transported 2100 kilograms of Ration Rice in a vehicle without valid permit and license; that upon investigation, it is found that the petitioner is the owner of the said rice and involved in illegal selling the same for his personal gain. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, based on the confession of the co-accused; that the petitioner had never committed any offence as alleged by the prosecution; and that the petitioner is ready and willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or any organization and to produce solvent sureties, abide by any stringent conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, hence prayed for anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that the petitioner along with other accused involved in illegal transportation and selling of 2100 kilograms of Ration Rice; that the petitioner has two previous cases, out of which one has been disposed of; and that the investigation is pending.

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

6. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner has been implicated based on the confession of the co-accused, one previous case registered against the petitioner has been disposed of and since, custodial interrogation is not required, this Court is inclined to grant anticipatory bail to the petitioner and also taking into consideration, the voluntary submission made by the petitioner offering to deposit a considerable



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amount to any charitable organization or association, 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, Kallakurichi 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.

8. Accordingly, the petitioner shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Kallakurichi District**, and on such deposit and on receipt of proof of payment, 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 on which the order copy made ready, before the *learned Judicial Magistrate*



No.1, Kallakurichi, Kallakurichi District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] 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.

[b] the petitioner shall report before the respondent police on every Monday and Thursday at 10:30 a.m., until further orders.

[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.



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SUNDER MOHAN, J.

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[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 B.N.S.

10.02.2025

stn

To

1. State rep by the Inspector of police
Kallakurichi Police Station,
CSID Chennai District
Crime no.32 of 2024.

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