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CrI.O.P.No.5889 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.5889 of 2025

Krishnan

...Petitioner/Accused No.2

Vs.

State rep by
The Inspector of Police,
C.S.C.I.D. Police Station,
Dharmapuri District.

(Crime No.51 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioner on anticipatory bail in the even of Arrest in Crime No.51 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.S.Santhosh,
Government Advocate (CrI. Side)



ORDER

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(4) of Tamil Nadu Scheduled Commodities (RDSCS) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in connection with the case in Crime No.51 of 2025, seeks anticipatory bail.

2.The case of the prosecution is that based on a secret information, the respondent and their officials went to the scene of occurrence and found the 1st accused had illegally transported 1500 kgs of PDS rice in a car bearing registration No.TN 13 W7004 and on the confession, it is revealed that the petitioner also involved in the alleged occurrence.

3. Learned counsel for the petitioner would submit that the petitioner is innocent and he sought to be implicated as an accused based on the confession of the co-accused; and that in any case, custodial interrogation is not required for the purpose of investigation and sought for anticipatory bail.

4. Learned Government Advocate (CrI.Side) reiterated the



prosecution case and filed a counter affidavit and submitted that the petitioner has two previous cases.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of any welfare scheme of the Government or any other organization.

6. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of 'District Legal Services Authority, Dharmapuri District', without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

7. Considering the nature of allegation; the petitioner is willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme and that custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail



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to the petitioner with certain conditions.

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8. Accordingly, the petitioner is directed to make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) directly to the credit of “District Legal Services Authority, Dharmapuri”, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, 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 copy of this order, before the learned **Judicial Magistrate No.I, Dharamapuri** 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] 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, everyday at 10.30 a.m., until further orders;



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

[d] the petitioner shall not tamper with evidence or witness 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]***;

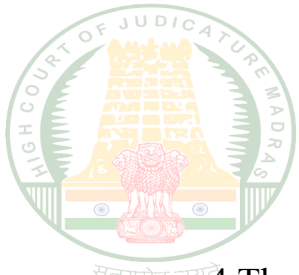
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

04.03.2025

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Copy to:

- 1.The Judicial Magistrate No.I, Dharmapuri.
- 2.The District Legal Services Authority, Dharmapuri District.
- 3.The Public Prosecutor, High Court, Madras.



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4. The Inspector of Police,
C.S.C.I.D. Police Station,
Dharmapuri District.

SUNDER MOHAN, J.

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