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CRL OP NO.6431 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.6431 of 2025

1. Dhanam
2. Suriya

petitioners/A1 & A2

Vs

State Rep By,
The Inspector Of Police
CSCID Police, Tirupattur Unit,
Tirupattur District.
(Cr.No 18 of 2025)

Respondent

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners / Accused on
anticipatory bail in the event of arrest in Crime No. 18 of 2025 pending
on the file of the respondent police.

For petitioners: Mr.K.Sathish Kumar

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

ORDER

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Section 6(4) of the
TNSC (RDCS) order 1982, r/w 7(1)a(ii) of the E.C.Act 1955 in Crime
No. 18 of 2025, on the file of the respondent police, seek anticipatory
bail.



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2. The case of the prosecution is that the co-accused/A3 was found in possession of 10 bags of PDS rice each containing 50 kgs weighing 500kgs in total and the petitioners were implicated on the confession of the co-accused/A3.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent; that they have been falsely implicated in this case; that they are the vehicle owners; that they were implicated based on the confession of the co-accused/A3 and that the co-accused/A3 was arrested and released on bail and hence, prayed for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that there are no bad antecedents against the petitioners.

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



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6. Taking note of the facts and circumstances of the case, the nature of allegations, submissions made by the learned counsels on either side, the fact that the contraband were seized, the petitioners have been implicated on the confession of the co-accused/A3, the co-accused/A3 was arrested and is on bail and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the Judicial Magistrate No.IV, Vellore, Vellore District** on condition that the petitioners shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioners 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 petitioners shall report before the respondent police every day at 10:30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

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

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To

1.The Inspector Of Police
CSCID Police, Tirupattur Unit,
Tirupattur District.
(Cr.No 18 of 2025)

2.The Judicial Magistrate No.IV, Vellore,
Vellore District

3.The Public Prosecutor,
High Court Madras.



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SUNDER MOHAN, J.
vca

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