



Crl.O.P.Nos.9094 & 9256 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 02.04.2025

PRONOUNCED ON : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.9094 & 9256 of 2025

Crl.OP.No.9094 of 2025

Senthilkumar @ Senthil @ Walayar Senthil ... Petitioner/A5
Vs.

State Rep. by
The Inspector of Police,
CSCID Police Station,
Pollachi, Coimbatore District.
[Cr.No.89 of 2025] ... Respondent/Complainant

Crl.OP.No.9256 of 2025

1. Zahir
2. Zia Ul Haq
3. Senthil (Walayar Senthil) ... Petitioners/A1, A2 & A5
Vs.

State Rep. by
The Sub-Inspector of Police,
Pollachi Police Station,
Coimbatore.
[Cr.No.89 of 2025] ... Respondent/Complainant

COMMON PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on anticipatory bail in the event of their arrest by the



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respondent police concerned in Crime No.89 of 2025, on the file of the respondent police.

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For Petitioner
in Crl.OP.No.9094/25 : Mr.Narayana Prasadh
in Crl.OP.No.9256/25 : Mr.Manoj Kumar

For Respondent : Mr.S.Balaji
in both cases Govt. Advocate (Crl.Side)

COMMON ORDER

The petitioners/A1, A2 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 6(4) of TN Scheduled Commodities [RDCS] Order, 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955 and Section 337 of BNS, 2023 (section 466 of IPC) r/w 192 (1) of Motor Vehicles Act, 1988 in Crime No.89 of 2025, on the file of the respondent police, seek anticipatory bail.

2. In Crl.OP.No.9256/25, A5 has filed the petition along with A1 and A2. However, another learned counsel has filed a petition separately for A5 in Crl.OP.No.9094 of 2025.

3. The learned counsel for the petitioners in Crl.OP.No.9256 of



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2025 sought permission to withdraw the petition in so far as A5 is concerned. Permission is granted and Crl.OP.No.9256 of 2025 stands dismissed as withdrawn, in so far as 3rd petitioner/A5 alone in concerned.

4. (i) It is the case of the prosecution that the petitioners, who are arraigned as A1, A2 and A5, had transported PDS rice worth about Rs.85,880/- in a lorry by using a fake number plate and thus committed the aforesaid offences.

(ii) It is the specific case of the prosecution that A4 was intercepted while driving his lorry with PDS rice, which was meant to be handed over to A5; that A1 and A2 had committed the theft of the PDS rice for their personal gain and transported the contraband through A3 and A4.

5. The learned counsel for the petitioners would submit that the petitioners / A1, A2 and A5 are sought to be implicated only on the confession of the co-accused; that a false case has been foisted because they had previous cases; that considering the nature of the allegations



and the evidence against them, custodial interrogation is not required;

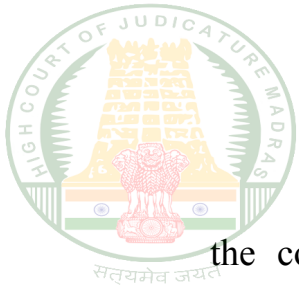
and that in any case to show their *bona fides* they are willing to deposit

the value of the PDS rice i.e. Rs.85,000/- and hence, prayed for anticipatory bail.

6. The learned Government Advocate (Crl.Side) *per contra* vehemently opposed the grant of anticipatory bail on the ground that all the petitioners have bad antecedents; that A1 has 7 previous cases, out of which he has been acquitted in three cases and four cases are pending trial; that A2 has seven previous cases, out of which he has been acquitted in two cases and convicted in one case and two cases are pending trial and two others are pending investigation; and that A5 has three previous cases of similar nature.

7. This Court has carefully considered the rival submissions and perused the counter affidavit of the respondent.

8. The petitioners are sought to be implicated on the confession of



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the co-accused. The rice has now been seized by the respondent.

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Though the petitioners have previous cases, they are on bail in those cases.



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9. Considering the aforesaid facts and the voluntary submission made by the learned counsel for the petitioners, this Court is of the view that custodial interrogation may not be required for the purpose of investigation and hence, inclined to grant anticipatory bail to the petitioners, on the following conditions.

(i) the petitioners shall together deposit a sum of **Rs.85,000/- [Rupees Eighty Five Thousand Only]** to the credit of Cr.No.89 of 2025, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to their rights and contentions before the trial Court;

(ii) On such deposit being made, the trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically;

(iii) thereafter, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days thereafter, before **the learned Judicial Magistrate No.IV, Coimbatore** 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



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the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[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 appear before the respondent police daily at 10.30 a.m., until further orders;

[c] The petitioners shall seek the permission of the trial Court before going abroad and on their return, they shall surrender their passports before the trial Court;

[d] The petitioners shall file an affidavit of undertaking before the trial Court that they would appear on all hearing dates;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall not abscond either during investigation or trial;



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[g] 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];

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

15.04.2025

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SUNDER MOHAN., J.

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To

1. The Judicial Magistrate No.IV,
Coimbatore.

2. The Inspector of Police,
CSCID Police Station,
Pollachi, Coimbatore District.

3. The Sub-Inspector of Police,
Pollachi Police Station,
Coimbatore.

4. The Public Prosecutor,
High Court of Madras.

Pre-delivery common order in
Crl.O.P.Nos.9094 & 9256 of 2025

15.04.2025