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Crl.O.P.No.10271 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.10271 of 2025

Malik Bash

Petitioner(s)

Vs

State rep. by,
The Inspector of Police,
CSCID - Kanchipuram Police Station,
Kanchipuram District.
(Crime No. 81 of 2025).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on
anticipatory bail in the event of his arrest by the respondent police
concerned in Crime No.81 of 2025, on the file of the respondent police.

For Petitioner(s) : M/s. A. Saranraj

For Respondent(s) : Mr. S. Balaji,
Government Advocate (Crl. 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 Crime No.81 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, while the respondent police were conducting inspection, they seized 39 bags of PDS rice (2000 kilograms) rice from the petitioner's godown. Hence, this case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that the petitioner had never committed any offence as alleged by the prosecution; that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.10,000/- to any welfare scheme of the Government or any other organization; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear



and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioner has two previous cases of similar nature; and that the investigation is pending, hence opposed for grant of anticipatory bail to the petitioner.

5. 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 is on bail in all the other cases and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner. Further taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable 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, Kancheepuram District, without prejudice to his rights and contentions before the Trial Court.

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

7. 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, Kancheepuram 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 Court No.I, Kanchipuram*** 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 everyday 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.

[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]*.



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SUNDER MOHAN, J.

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

07.04.2025

stn

To

1. The Judicial Magistrate - I, Kanchipuram.
2. The Inspector of Police,
CSCID - Kanchipuram Police Station,
Kanchipuram District.
(Crime No. 81 of 2025).
3. The Public Prosecutor,
High Court of Madras.

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