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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2288 of 2025

Gurumoorthi

... Petitioner / Accused Rank Not Known

Vs.

The State of Tamil Nadu
rep by The Inspector of Police,
C.S.C.I.D. Police Station,
Ramanathapuram District.
(Crime No.15 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.15 of 2025 on the file of the respondent police.



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For Petitioner : Mr.K.Dinesh

For Respondent : Mr.K.Sanjay Gandhi,

Government Advocate

(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 03.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of the Tamil Nadu Scheduled Commodities (RDSCS) Order 1982 r/w. Section 7(i)a(ii) of the Essential Commodities Act, 1955, in Crime No.15 of 2025 on the file of the respondent police.

3. The case of the prosecution is that based on the secret information, the defacto complainant conducted a search at the residence of Accused No.1 and found that nearly 1,600 kg of PDS rice had been stored, allegedly for sale in the black market for profit. Hence, the case.

4. Mr.K.Dinesh, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has permanent residence and



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has deep roots in the Society and the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that there are totally 2 accused persons in this case and the petitioner has been arrayed as Accused No.2. He further submits that Accused No.1 was arrested and remanded to judicial custody and based on his confession, this petitioner (A2) has been implicated. The petitioner has one previous case in similar nature. Therefore, he contends that, if the petitioner is released on pre-arrest bail, there is a possibility of committing him similar offence in future. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Considering the nature of offence alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case and the petitioner has permanent residence and deep roots in the society and there is less possibility for absconding and with a view to give one opportunity to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or



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in the event of his surrender before the learned Judicial Magistrate No.II, Ramanathapuram, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) Thereafter, the petitioner shall appear and sign before the respondent-police daily at 10.30 a.m. until further orders.

(iv) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are



imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.DINESH, Advocate (SR-1444[I] dated 06/02/2025)



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ORDER

IN

CRL OP(MD) No.2288 of 2025

Date :05/02/2025

NBF / SKN /SAR- (18/02/2025) 6P/6C

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