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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.2456 of 2025

1.Neelakannan
2.Vigneswaran

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thanjavur CSCID Police Station,
Madurai District.
Crime No.22 of 2025

... Respondent/Complainant

For Petitioners : Mr.C.Senthil Murugan

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-24B. For bail in Crime No.22 of 2025 on the file of the respondent-police.

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 05.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioners/ A1 & A2 were arrested and remanded to judicial custody on 29.01.2025 for the alleged offences punishable under Section 6(4) of the Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 read with Section 7(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.22 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on secret information, on 29.01.2025, at about 5:00 p.m., when the defacto complainant, the Sub Inspector of CSCID, along with his team, was conducting a vehicle check-up near Vada Pathirakaliamman Temple, they found that the petitioners, along with other accused persons, were illegally transporting 3,000 kgs of PDS rice meant for sale through the Public



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Distribution System in an Ashok Leyland Dost bearing Registration No. TN-49-CJ-4942. The petitioners were arrested, and the vehicle has been seized. Hence the case.

4. Mr.C.Senthil Murugan, the learned counsel appearing for the petitioners, submits that the petitioners have been falsely implicated in this case and the petitioners did not commit any offence as alleged by the prosecution. He further submits that the petitioners have been in judicial custody since 29.01.2025. He therefore prays to grant bail to the petitioners.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally four accused persons in this case. The first petitioner is the driver and the second petitioner is the helper. The petitioners and two other accused persons had illegally transported 3000 kgs. of the PDS rice meant for sale through Public Distribution system. The petitioners have no previous case. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners were arrested on 29.01.2025 and are still in judicial custody.



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The petitioners have permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the above and taking note of the period of incarceration and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate, No.II, Thanjavur;

(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, No.II, Thanjavur shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;



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(iv) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(v) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioners shall furnish their residential address and mobile number, if any;

(vii) The petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, No.II, Thanjavur is entitled to pass appropriate orders against the petitioners 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].



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

sd/-
19/02/2025

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Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
DISTRICT PRISON,
THANJAVUR.

4 THE INSPECTOR OF POLICE,
THANJAVUR CSCID POLICE STATION,
MADURAI DISTRICT.

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



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ORDER

IN

CRL OP(MD) No.2456 of 2025

Date :19/02/2025

NBF/SAR/ (19/02/2025) 7P/6C

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