

CRL.OP(MD). No.2689 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2689 of 2025

1.Kanagapandi
2.Balamurugan
3.Muniyandi

... Petitioners / Accused Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Virudhunagar Police Station,
CSCID-Madurai District.
(Crime No.11 of 2025)

... Respondent / Complainant

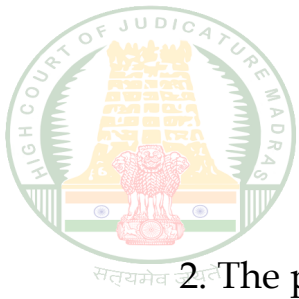
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioners in Crime No.11 of 2025 on the file of the respondent-police.

For Petitioners : Mr.M.Jothi Basu

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 petitioners on 10.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioners apprehend 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. 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.11 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 24.01.2025, at 02:30 p.m., when the defacto complainant, the Special Tahsildar (TNCS), Aruppukkottai, along with the Special Revenue Inspector (TNCS), was conducting a vehicle check-up near the Indian Oil Petrol Bunk on Palavantham-Irrukankudi Road, they found that the accused persons were transporting 3,185 kgs of PDS rice in an Ashok Leyland Dost bearing Registration No.TN-38-CR-8499. On seeing them, the driver and cleaner of the vehicle fled the scene, stopping the vehicle. The vehicle, along with the PDS rice, was seized. Hence, the case.

4. Mr.M.Jothi Basu, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case been foisted against the petitioners. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal



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Side) appearing for the respondent-police, submits that there are totally 6 accused persons in this case and the petitioners have been arrayed as A4, A6 and A5 respectively. He further submits that A1 was arrested and has been in judicial custody. He further submits that there are no previous cases against the petitioners. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and also considering the nature of the offence alleged against the petitioners and also taking note of the fact that there are no previous cases against the petitioners and hence, with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.I, Virudhunagar, Virudhunagar District, 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) 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



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Judicial Magistrate No.I, Virudhunagar, Virudhunagar District.

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

(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(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 him from disclosing such facts to the Court or to any police officer.

(vi) The petitioners shall not leave India without the previous permission of the Court.

(vii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(viii) 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 petitioners in accordance with law as if the aforementioned conditions are



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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.

sd/-
13/02/2025

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/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE,
VIRUDHUNAGAR POLICE STATION,
CSCID- MADURAI DISTRICT.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-1634[I] dated 13/02/2025)



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ORDER

IN

CRL OP(MD) No.2689 of 2025

Date :13/02/2025

RS/SKN/SAR-(25.02.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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