



CRL OP(MD). No.2746 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 14/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Eswaran

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu Rep.,  
By, the Inspector of Police,  
Uthamapalayam Police Station,  
CSCID-Madurai.  
(Crime No. 29 of 2025).

... Respondent/Complainant

For Petitioner : Mr. Joseph Jerry.A.,  
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,  
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 29 of 2025 on the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 12.02.2025

under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant an order of pre-arrest bail.

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2. The petitioner / Accused No.1 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TNSC (RDCS) 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.29 of 2025 on the file of the respondent-police.

3. The case for the prosecution is that based on secret information, on 05.02.2025, when the police were conducting a vehicle check-up near Balan Bakary at Koodangipatty, they found that other accused, Karthick, was illegally transporting 750 kgs. of PDS rice in a three-wheeler vehicle (Ape City) bearing Registration No.TN-64-H-2356 and based on his confession, 300 kgs. of PDS rice were also seized from the house of the said Karthick and the petitioner has been arrayed as an accused. Hence, this case.

4. Mr.A.Joseph Jerry, 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 is the owner of the vehicle and rented out the vehicle for daily wage of Rs.300/- and therefore, he has been falsely implicated in this case. He, however, submits that 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.



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5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are five previous cases pending against the petitioner, which are, similar in nature and the petitioner herein is the owner of the vehicle. Therefore, he contends that, if the petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant and the witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner and the fact that the co-accused arrested was enlarged on bail by Judicial Magistrate, Uthamapalayam on 12.02.2025, this Court is of the view that custodial interrogation is not necessary in this case. The petitioner has permanent residence and therefore, there is less possibility for absconding. Considering the same and also considering the facts and circumstances of the case and also taking note of the fact that the petitioner is the owner of the vehicle and with a view to give an one more 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 in the event of his surrender before the learned Judicial Magistrate, Uthamapalayam,

Theni District within a period of 15 days from date on which the order copy is made



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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 Five Thousand only) to the satisfaction of the said Magistrate.

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

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

(v) The petitioner 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 petitioner shall not leave India without the previous permission of the Court.

(vii) The petitioner shall not directly or indirectly cause threat to the complainant and tamper with evidence.

(viii) The petitioner shall furnish his residential address and mobile number to



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the concerned Magistrate.

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(ix) 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]*.

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

sd/-  
14/02/2025

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/02/2025

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

TRP  
TO

- 1 THE JUDICIAL MAGISTRATE,  
UTHAMAPALAYAM, THENI DISTRICT.
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,  
UTHAMAPALAYAM POLICE STATION, CSCID-MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.A.JOSEPH JERRY, Advocate ( SR-1698[I] dated 17/02/2025 )

ORDER

IN

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Date :14/02/2025

SS/SKN/SAR- /27/02/2025/ 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023