



CRL OP(MD). No.3386 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2025

PRESENT

HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Zakeer Hussain

... Petitioner/ A2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
CSCID Police Station,
Kuzhithurai at Nagercoil,
Kanyakumari District,
Crime No. 214 of 2024.

... Respondent/ Complainant

For Petitioner : Mr. R.Ponkarthikeyan
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. 214 of 2024 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 20.02.2025

<https://www.mhc.tn.gov.in/judis> under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioner / accused No.2, apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 r/w. 7(1) (a) (ii) of Essential Commodities Act, 1955, in Crime No.214 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 18.09.2024 at about 2.15 hours, when the respondent-Police was conducting a vehicle check-up on Kavalkinaru - Nagercoil Road, they said that the petitioner and other accused persons were illegally transporting 2400 kgs of PDS rice worth about Rs.13,560/- in a four wheeler bearing Regn. No.TN 72 CE 1573 to Kerala. Based on the confession of A1, the driver cum owner of the vehicle, the petitioner has been arrayed as A-2. Hence, the case.

4. Mr.R. Ponkarthikeyan, 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 and 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.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that this is the fourth



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pre-arrest bail petition of the petitioner and the earlier petitions filed by the petitioners in Crl.O.P(MD).Nos.17270, 19375 and 22689 of 2024 were dismissed by this Court on 09.10.2024, 11.11.2024 and 20.12.2024 respectively. He further submits that the investigation of the case is pending and therefore, at this stage, if the petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant and commit similar offence. 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, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the alleged occurrence that took place on 18.09.2024, and with a view to give an 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 No.III, Nagercoil, 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



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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.

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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 petitioner shall appear and sign before the respondent-police daily at 10.00 am until further orders;

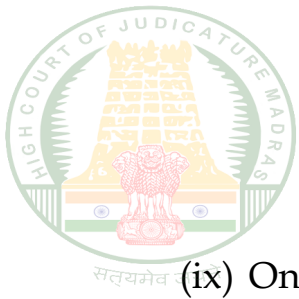
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(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 furnish his residential address and mobile number to the concerned Magistrate.

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



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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/-
24/02/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

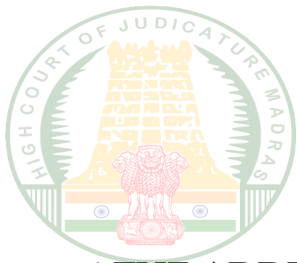
TO

1 THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI
DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
KUZHITHURAI AT NAGERCOIL, KANYAKUMARI DISTRICT,

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



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

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-2032[I] dated 25/02/2025)

ORDER

IN

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Date :24/02/2025

TRP

MK/SKN/SAR /07.03.2025 6P/6C

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