



CRL.OP(MD). No.3892 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3892 of 2025

Marudhu @ Suresh

... Petitioner / Accused Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thanjavur CSCID Police Station,
Madurai District.
(Crime No.22 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.22 of 2025 on the file of the respondent-police.

For Petitioner : Mr.C.Senthil Murugan

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 27.02.2025
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 apprehends arrest at the hands of the respondent- police for the offences punishable under Sections 6(4) of The Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 read with Section 7(1)(a)(ii) of 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 on 29.01.2025, at 5.00 p.m., when the police officials were on surveillance near Vada Pathirakaliamman Temple, they found that the A1 and A2 were illegally transporting 3000 kgs of PDS rice in an Ashok Leyland Dost Vehicle bearing Reg.No.TN-49-CJ-4942 for sale of it on higher rates, and the respondent police seized the vehicle along with the PDS rice, and arrested the A1 and A2. Based on their confession, the petitioner has been arrayed as an accused. Hence, the case.

4. Mr.C.Senthil Murugan, 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 a false has been foisted against this petitioner. He further submits that only based on the confession of A1 and A2, the petitioner has been arrayed as an accused, and that no properties were recovered from the petitioner. 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



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bail to the petitioner.

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5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner has been arrayed as A3, and he is the owner of the vehicle. He further submits that there is one previous case against the petitioner, which is similar in nature. Therefore, he contends that, if the petitioner is granted pre-arrest bail, there is possibility of committing him similar offences in future. Accordingly, he strongly opposes for grant of pre-arrest bail to the petitioner.

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 therefore, there is less possibility for absconding. Considering the above, and also considering the facts and circumstances of the case and the nature of offence allegedly committed by the petitioner, and with a view to give an opportunity to the petitioner 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.II,



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Thanjavur, within a period of 15 days from the 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 Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur.

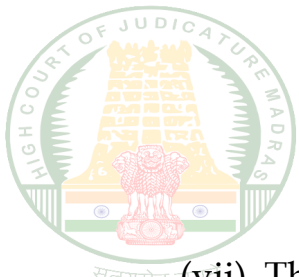
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall donate a sum of Rs.20,000/- [Rupees Twenty Thousand Only] to the Government Higher Secondary School, Sathirakudi, Ramanathapuram District.

(iv) The petitioner shall appear and sign before the respondent-police on every Monday and Friday at 10.00 a.m., until further orders.

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

(vi) 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.



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

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

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

(x) 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/-
03/03/2025

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

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TO
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1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

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

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

COPY TO:
THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
SATHIRAKUDI, RAMANATHAPURAM DISTRICT.

ORDER
IN
CRL OP(MD) No.3892 of 2025
Date :03/03/2025

MK/SKN/SAR /13.03.2025 6P/6C

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