



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.4056 of 2025

1. Seenivasan,
S/o.Natarajan,
Middle Street,
Kavalur Thottam,
Thanjavur District.

2. Selvaprakash,
S/o.Jothi,
New Housing Unit,
Thanjavur District.

3. Dhamotharan,
S/o.Lakshmanan.
Kovathakudi Road,
Athuvanapatti,
Papanasam Taluk,
Thanjavur District.

... Petitioners/ Accused Nos.2 to 4

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
CSCID Unit,
Thanjavur.
Thanjavur District.
In Crime No.28/2025

... Respondent/ Complainant



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For Petitioners : Mr.T.Eashwar,

Advocate

For Respondent : Mr.K.Sanjai Gandhi,

Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

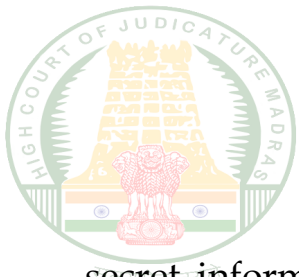
For Bail in Crime No.28/2025 on the file of the respondent-Police.

ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 28.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant an order of bail.

2. The petitioners were arrested and remanded to judicial custody on 05.02.2025 for the offences punishable under Section 6(4) of Tamil Nadu Scheduled Commodities (RDSCS) Order, 1982 r/w. Section 7(1)(a)(ii) of EC Act, 1955, in Crime No.28 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 05.02.2025, at about 06.00 p.m., based on

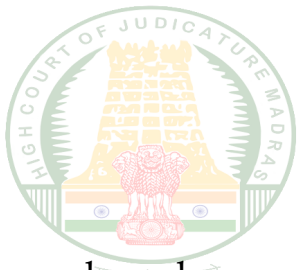


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secret information, the Sub-Inspector of Police, along with his team conducted an inspection near Tholkapiyar Sathukkam, Thanjavur. During the inspection, they intercepted a Max Pickup vehicle bearing Registration No.TN-68-AQ-3580 and found that the petitioners were in illegal possession of 60 gunny bags of PDS rice (containing 3000 kgs) in that vehicle. Thereafter, the respondent-Police arrested the accused persons and seized PDS rice and the alleged vehicle from them. Hence, the case was registered.

4. Mr.T.Eashwar, learned counsel appearing for the petitioners, submits that the petitioners have nothing to do with the alleged offence. He further submits that a false case has been foisted against the petitioners. He further submits that the petitioners are only labours under the custody of A1, and on the instructions of A1, the petitioners transported the goods without any knowledge. He further submits that the petitioners have been in incarceration since 05.02.2025. Hence, he prays to grant bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that there are no previous cases against the petitioners. He further submits that the alleged PDS rice and the vehicle

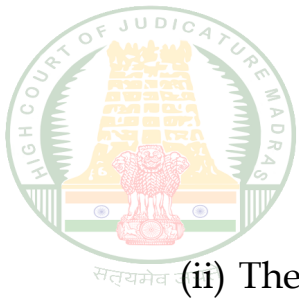


have been recovered from the accused persons at the spot. However, he vehemently
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opposes to grant bail to the petitioners.

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

7. The petitioners were arrested and they have been in judicial custody since 05.02.2025. On perusing the records, it reveals the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration suffered by the petitioners and taking note of the fact that the petitioners are first offenders 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;



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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 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;

(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 to the learned Judicial Magistrate No.II, Thanjavur;

(vii) the petitioners shall not directly or indirectly cause any threat to the defacto complainant and the witnesses;

(viii) the petitioners shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial



Magistrate No.II, Thanjavur is entitled to pass appropriate orders against the
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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/-
04/03/2025

/ TRUE COPY /

04/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.

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

3 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

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



4 THE INSPECTOR OF POLICE,
CSCID UNIT,
THANJAVUR, THANJAVUR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.4056 of 2025
Date :04/03/2025

NBF/SAR/ (04/03/2025) 7P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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