



CRL OP(MD). No.4054 of 2025

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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.4054 of 2025

S.Prabhu

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Civil Supplies CID,
Virudhunagar.
Cr. No.19 of 2025.

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar

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. 19 of 2025 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 28.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.



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2. The petitioner/A3 apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 6(4) of Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) Order, 1982 and Section 7 (1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.19 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 26.02.2025, when the respondent-police was on surveillance, they found that the petitioner and other accused persons were illegally transported 102 bags of PDS rice i.e., 4080 kgs in a Bolero Pickup Vehicle bearing registration No.TN-65-M-7614. Hence, this case.

4. Mr.T.Lenin Kumar, the learned counsel appearing 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 has been falsely implicated in this case. He however submits that the petitioner is ready to abide by the conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-Police, submits that the petitioner is the owner of the vehicle, and the petitioner and other accused persons were illegally smuggling and transporting a huge quantity of PDS rice. He further submits that the petitioner has



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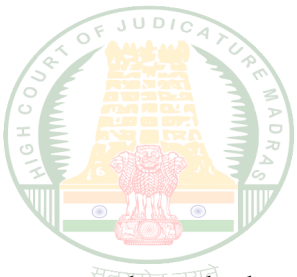
two previous cases, which are similar in nature and therefore, if this Court grants pre-arrest bail to the petitioner, he may commit similar type of offences. Hence, he strongly opposes to allow this Criminal Original Petition.

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

7. The petitioner has permanent residence and hence, there is less possibility of absconding. Considering the same, and also considering the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and the fact that the petitioner is the owner of the vehicle, which is seized by the respondent-police, and with a view to give one more 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 bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Virudhunagar, 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.I, Virudhunagar;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-



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police daily at 10.00 a.m., until further orders;

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(iii) 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.I, Virudhunagar shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Virudhunagar;

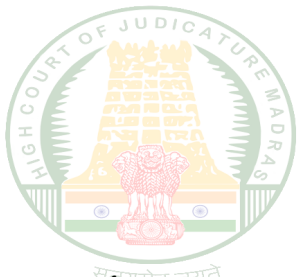
(v) The petitioner shall make himself available for interrogation by a police officer as and when required;

(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;

(vii) The petitioner shall not leave India without previous permission of the Court;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Virudhunagar, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the



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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

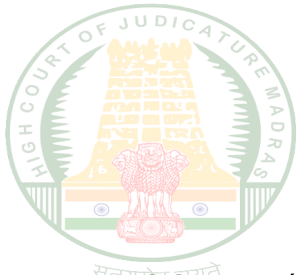
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/03/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

1. The Judicial Magistrate No.I,
Virudhunagar.
2. Do-Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur
3. The Inspector of Police,
Civil Supplies CID,
Virudhunagar.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-2410[I] dated 05/03/2025)

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ORDER

IN

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Date : 04/03/2025

SL(21.03.2025)/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.