



CRL.OP(MD). No.4430 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4430 of 2025

1.Rajendran
2.N.Pon Vijay

... Petitioners/ Accused
Rank Not Known

Vs.

The State of Tamil nadu
rep by the Inspector of Police,
Civil Supplies C.I.D.,
Virudhunagar.
Crime No.20 of 2025

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioners / Accused Rank Not Known on bail in the event of their arrest in Crime No.20 of 2025 pending investigation on the file of the respondent- Police.

For Petitioners : Mr.T.Lenin Kumar

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 06.03.2025

<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 petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.20 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 05.03.2025, the police found that the accused persons were transporting 20 bags of rice (each contains 50 kgs), which was collected from the family card holders of the locality in a TATA ACE vehicle bearing Registration No.TN-67-AW-1415. Hence, the complaint.

4. When the matter came up for hearing, Mr.T.Lenin Kumar, learned counsel for the petitioners, insofar as the first petitioner is concerned, seeks permission of this Court to withdraw this petition. To that effect, he made an endorsement in the case file.

5. Recording the same, this Criminal Original Petition is dismissed as withdrawn as far as the first petitioner is concerned.

6. Insofar as the second petitioner is concerned, Mr.T.Leninkumar, learned counsel for the petitioners, submits that he is an innocent person, and he has not committed any offence as alleged by the prosecution. He however submits that the second petitioner has been falsely implicated in this case. He however submits that



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the second petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the second petitioner.

7. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police submits that the petitioners have been arrayed as A2 and A3. He further submits that the first petitioner has four previous cases, and the second petitioner has two previous cases. He further submits that if pre-arrest bail is granted to the second petitioner, he will cause threat to the witnesses and tamper with evidence. Accordingly, he prays for dismissal of this criminal original petition.

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

9. In view of the nature of the allegation levelled against the second petitioner, this Court is of the opinion that custodial interrogation of the second petitioner is not necessary. The second 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 with a view to give one more opportunity to the second petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the second petitioner. Accordingly, pre-arrest bail is granted to the second petitioner subject to the following conditions:



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(i) The second 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.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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Virudhunagar.

(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 second petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 am., until further orders.

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

(v) The second petitioner shall deposit a sum of Rs.10,000/-(Rupees Ten Thousand only) to the credit of Head Master, Government Higher Secondary School, Sathirakudi, Ramnad District (A/c. No.11555089384, IFSC Code:SBIN0002268), and



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produce the proof of the same while executing the bond to the concerned Judicial
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Magistrate;

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

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

(ix) The second 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 second 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 insofar as the second petitioner is concerned subject to the conditions stated supra and this Criminal



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original Petition is dismissed as withdrawn insofar as the first petitioner is
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concerned.

sd/-
17/03/2025

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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMK
TO

1 THE JUDICIAL MAGISTRATE NO I
VIRUDHUNAGAR.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D.,
VIRUDHUNAGAR.

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

COPY TO

THE HEAD MASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
SATHIRAKUDI, RAMNAD DISTRICT.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-2992[I] dated 18/03/2025)
<https://www.mhc.tn.gov.in/judis>



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ORDER

IN

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Date :17/03/2025

HPS/SAR / 02.04.2025/7P/7C

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