



CRL OP(MD). No.5089 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Hakkim,
S/o.Abdul Lathif,
No.38a Pallivasal Street,
Koodalur,
Uthamapalayam Taluk,
Theni District.

2. Haroon,
S/o.Abdul Lathif,
No.38a Pallivasal
Street, Koodalur,
Uthamapalayam Taluk,
Theni District.

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Dindigul Police Station,
CSCID, Madurai.
In Crime No.47/2025

... Respondent/ Complainant



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For Petitioners : Mr.Ramasamy S,
WEB COPY Advocate
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of

PRAYER :-

For Anticipatory Bail in Crime No.47/2025 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 18.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant an order of Pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-Police for the offences punishable under Section 6(4) of TNSC (RDCS) Order, 1982 r/w. Section 7(1) (a)(ii) of EC Act, 1955, in Crime No.47 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 07.03.2025, the defacto complainant / the Inspector of Police, along with his team conducted an inspection. During the inspection, they intercepted a lorry and they found that Accused No.6 was transported 19.300 kgs of PDS rice in that vehicle. The police arrested Accused No.6 and seized PDS rice and the alleged vehicle from him. Based on the confession given by Accused No.6, the petitioners herein have been arrayed as Accused Nos.1 and 2. Hence, the case.



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4. Mr.S.Ramasamy, 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 herein are the father and the son. He further submits that the second respondent is a college going student. He further submits that Accused Nos.3, 5 and 6 were granted pre-arrest bail by this Court in Crl.O.P.(MD).No.4623 of 2025 dated 12.03.2025. Hence, he prays to grant pre-arrest bail to the petitioners.

5. Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that totally there are three previous cases pending against the first petitioner, which are similar in nature and he is a history sheeted rowdy in H.S.No.1 of 2025 maintained by the CSCID, Uthamapalayam. He further submits that there is no previous case against the second petitioner. He further submits that the petitioners herein have transported huge quantity i.e., 19.300 kgs of PDS rice, worth about Rs.1,50,000/-. He further submits that the alleged lorry and PDS rice have been recovered by the respondent-Police. He further submits that the custodial interrogation of the petitioners are necessary in this case. Hence, he vehemently opposes to grant bail to the petitioners.

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

7. It is seen that petitioner No.1 in this case has three previous cases, which are



similar in nature and is a history sheeted rowdy. Therefore, if this Court has granted pre-arrest bail to the first petitioner, he will commit the similar offence again. Hence, this Court is not inclined to grant pre-arrest bail to the first petitioner.

8. Considering the facts and circumstances of the case and the nature of the offence alleged against the second petitioner and also considering the fact that the second petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding and taking note of the fact that there is no previous case pending against the second petitioner and considering the fact that the second petitioner is a college going student and also with a view to give an opportunity to the second petitioner to reform themselves, this Court is inclined to grant pre-arrest bail to the second petitioner subject to the following conditions:

(i) The second petitioner shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate III, Dindigul 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 III, Dindigul;

(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



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Practice, 2019']. The learned Judicial Magistrate III, Dindigul, shall obtain a copy of
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any one of identity proofs to ensure their identity;

(iii) The second petitioner shall appear and sign before the respondent-Police weekly once (i.e., on Sunday) at 10.30 a.m., until further orders.

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

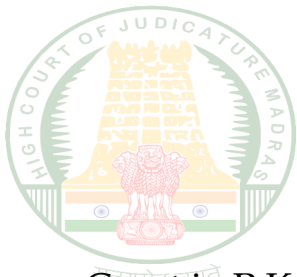
(v) The second petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

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

(viii) The second petitioner shall furnish their residential address and mobile number to the learned Judicial Magistrate III, Dindigul.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate III, Dindigul or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme



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Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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8. In the result, this Criminal Original Petition is dismissed in respect of the first petitioner and allowed in respect of the second petitioner, subject to the conditions stated supra.

sd/-
20/03/2025

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

TSG
TO

1. THE JUDICIAL MAGISTRATE NO.III, DINDUGAL.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3. THE INSPECTOR OF POLICE, DINDIGUL POLICE STATION,
CSCID,MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.5089 of 2025
Date :20/03/2025

PR/SAR/ (21/04/2025) 6P / 5C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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