



CRL.OP(MD). No.5331 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.5331 of 2025

1.Balamanikandan @ Kotturmani

2.Sangilipandi

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Civil Supplies C.I.D.,
Virudhunagar District.
(Crime No.17 of 2024)

... 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
petitioners in Crime No.17 of 2024 on the file of the respondent-police.

For Petitioners : Mr.M.Prabu,
Advocate

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



CRL.OP(MD). No.5331 of 2025

ORDER : The Court made the following order :-

WEB COPY

This Criminal Original Petition has been filed by the petitioners on 19.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 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 Clause 6(4) of TNSC (RDCS) Order 1982 read with Section 7(1)(a)(ii) of the Essential Commodities, 1955, in Crime No.17 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioners along with other accused persons have illegally transported 178 bags of PDS rice (each containing 40 kgs). Thereby, a case has been registered against them.

4. Mr.M.Prabu, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioners and that there are no previous cases against them. He also submits that the petitioners had previously filed a pre-arrest bail petition, which was allowed on 12.02.2024 in Crl.O.P.(MD) No. 2141 of 2024, subject to the condition that they shall pay a sum of Rs.75,000/- in favour of the Headmaster, Government Girls Higher Secondary School, Sulakkarai Main Road, Virudhunagar. However, due to ill health



CRL.OP(MD). No.5331 of 2025

WEB COPY

and their travel to other states for labour work to sustain their livelihood, they were unable to arrange sureties within the time frame fixed by this Court. Therefore, the present petition has been filed. He further submits that the petitioners, without prejudice to their rights, are now ready to pay Rs.75,000/- to the Government Girls Higher Secondary School, Sulakkarai Main Road, Virudhunagar, for the construction of a toilet and other facilities. He further submits that the petitioners are also ready to abide by any other conditions that may be imposed by this Court. Hence, he prays for the grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that the petitioners had already filed a pre-arrest bail petition, which was allowed on 12.02.2024 in Crl.O.P.(MD) No. 2141 of 2024. However, the petitioners failed to comply with the conditions imposed in that order. Consequently, they have filed the present petition seeking pre-arrest bail. He further submits that if this Court grants pre-arrest bail to the petitioners, again they will not comply the conditions and thereby, delay the investigation. Hence, he prays for dismissal of this Criminal Original Petition.

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

7. In view of the fact that the earlier order of pre-arrest bail stood dismissed due to the failure of the petitioners to comply with the conditions imposed therein,



CRL.OP(MD). No.5331 of 2025

WEB COPY

and considering that the petitioners are now ready to deposit a sum of Rs. 75,000/- (Rupees Seventy-Five Thousand only), which was one of the conditions previously stipulated, this Court is of the opinion that the petitioners may be granted one more opportunity. Considering the same and also considering the nature of the offence alleged against the petitioners, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.I, Virudhunagar District, 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) each 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 District.

(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 petitioners shall pay jointly a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of the Head Master, Government Girls Higher



CRL.OP(MD). No.5331 of 2025

Secondary School, Sulakkarai Main Road, Virudhunagar within a period of one month from today. They shall also file a proof of payment to the learned Judicial Magistrate or Trial Court.

WEB COPY

(iv) The petitioners shall appear and sign before the respondent-police as and when required for interrogation.

(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 him from disclosing such facts to the Court or to any police officer.

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

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

(viii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(ix) 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 petitioners 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].



CRL.OP(MD). No.5331 of 2025

WEB COPY

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
25/03/2025

/ TRUE COPY /

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

pal
To

- 1 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.The Inspector of Police,
Civil Supplies C.I.D.,Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

The Head Master,
Government Girls Higher Secondary School,
Sulakkarai Main Road, Virudhunagar

ORDER
IN
CRL OP(MD) No.5331 of 2025
Date :25/03/2025

MK/SAR /16.04.2025 6P/6C

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