



CRL.OP(MD). No.5850 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.5850 of 2025

Ajinsha @ Mani

... Petitioner/5th Accused

Vs.

The State of Tamil Nadu,
rep., by its Inspector of Police,
Civil Supplies CID,
Madurai.
Crime No.351 of 2024

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner / Accused No.5 on bail in the event of his arrest or surrender in Crime No.351 of 2024 on the file of the respondent- Police.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 26.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Clause 6(4) of TNSC (RDCS) Order 1982 read with 7 (1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.351 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 20.12.2024, when the respondent-police was conducting vehicle check-up, they found that the accused persons were in illegal possession of 24700 kgs of PDS rice in a lorry bearing Registration No.TN-05-PK-7113 and also a baleno car bearing Registration No.TN 75 AM 8364 following the lorry. On seeing the police, the accused persons fled from the place of occurrence leaving the vehicle and the PDS rice. Based on confession of other accused, petitioner herein was implicated as an accused. Hence, the case.

4. Mr.T.Lenin Kumar, learned counsel 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



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this case. He however submits that the 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 petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police submits that the petitioner and other accused persons were in illegal possession of 24700 kgs of PDS rice. He further submits that the petitioner has no previous case. However, he opposes to grant anticipatory bail to the petitioner.

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

7. The petitioner has permanent residence. Hence, there is less possibility of absconding. In view of the nature of the offence levelled against the petitioner, this Court is of the opinion that the custodial interrogation of the petitioner is not necessary. Considering the same, and also considering the facts and circumstances of the case, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The 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.III, Madurai, within a period of 15 days from the date on which the order copy is made ready, on



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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.III, Madurai.

(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.

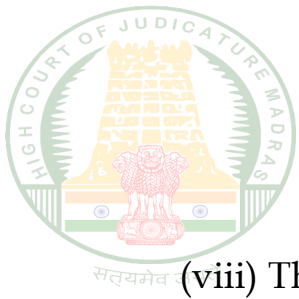
(iii) the petitioner shall report before the respondent police, on daily at 10.00 a.m. for a period of 30 days, and thereafter as and when required for the interrogation.

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

(v) 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.

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

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



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(viii) The petitioner shall furnish his 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 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/-
28/03/2025

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/04/2025

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

RMK

TO

1. THE JUDICIAL MAGISTRATE, NO.III, MADURAI.

2. THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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



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

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

+1. CC to M/S LENIN KUMAR.T Advocate SR.No.3693 (I) DT.01/04/2025

ORDER IN
CRL OP(MD) No.5850 of 2025
Date :28/03/2025

PR/24.04 .2025 6P/6C

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