

CRL.OP(MD). No.6320 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.6320 of 2025

Maheswaran

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
CSCID-Madurai District,
Trichy Police Station.
(Crime No.69 of 2025)

... 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 petitioner in Crime No.69 of 2025 on the file of the respondent police.

For Petitioner : Mr.R.Sakthivel,
Advocate

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



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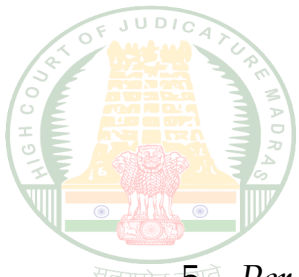
ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 02.04.2025 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 Sections 6(3) of the Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.69 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 17.03.2025, the petitioner misappropriated stock items belonging to the Amaravaithi Consumer Co-operative Wholesale Store Limited, Trichy, valued at approximately Rs. 70,375/-. Consequently, the petitioner was temporarily suspended from service. Hence, the case.

4. Mr.R.Sakthivel, the 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 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.



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5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner misappropriated stock items belonging to the Amaravaithi Consumer Co-operative Wholesale Store Limited, Trichy. He further submits that if pre-arrest bail is granted to the petitioner, he will abscond and tamper with the evidence. He therefore prays to dismiss this Criminal Original Petition.

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

7. In view of the offence allegedly committed by the petitioner and the fact that the petitioner was temporarily suspended from service, this Court is of the opinion that custodial interrogation of the petitioner is not necessary for the investigating agency in this case. Further, the petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the fact that the petitioner is a first offender and also taking into account of the fact that the petitioner is ready to deposit a sum of Rs.70,000/- (Rupees Seventy Thousand only) 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



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or in the event of his surrender before the learned Judicial Magistrate No.VI, Trichy,
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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.VI, Trichy.

(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 deposit a sum of Rs.70,000/- (Rupees Seventy
Thousand only) to the credit of the Crime No.69 of 2025 on the file of the
respondent-police, before the learned Judicial Magistrate No.VI, Trichy, within a
period of four weeks from the date on which the order copy is made ready. In turn,
the learned Judicial Magistrate shall deposit the said amount in an interest bearing
Fixed Deposit in any nationalized Bank initially for a period of one year and renew
them periodically until the final order / judgment is passed in the case in Crime
No.69 of 2025. The learned Judicial Magistrate or Trial Court shall pass orders *qua*
entitlement of the said amount in its final order / Judgment.

(iv) The petitioner shall appear and sign before the respondent-police weekly



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twice i.e., on every Monday and Friday at 10.00 a.m. until further orders.

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

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

(ix) The 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 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



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conditions stated *supra*.

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Sd/-

08/04/2025

// True Copy //

/ /2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

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To

- 1.The Judicial Magistrate No.VI,
Trichy.
- 2.Do Through
The Chief Judicial Magistrate,
Trichy.
- 3.The Inspector of Police,
CSCID-Madurai District,
Trichy Police Station.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.OP(MD). No.6320 of 2025
08.04.2025

BV (07/05/2025) 6P/ 5C

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