



CRL OP(MD). No.7836 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.7836 of 2025

Hakkim

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Dindigul Police Station,
CSCID, Madurai.
(In Crime No.47 of 2025).

... Respondent/ Complainant

For Petitioner : Mr.S.Ramasamy,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023
PRAYER :-

For Anticipatory Bail in Crime No.47 of 2025 on the file of the Respondent-police.



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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 24.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 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 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 petitioner has been arrayed as Accused Nos.1. Hence, the case.

4. Mr.S.Ramasamy, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence, and that a false case has been foisted against the petitioner. 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



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12.03.2025 and Accused No.2 was granted pre-arrest bail by this Court in Crl.O.P.

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(MD).No.5089 of 2025 on 20.03.2025. He would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the Government Model Girls Higher Secondary School, Ulaganeri, Y.Othakadai, Madurai, for the welfare of the students studying in the School. 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 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 the petitioner herein has 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 investigation has been completed in this case. However, he vehemently opposes to grant bail to the petitioners.

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

7. Considering the facts and circumstances of the case, and the nature of the offence alleged against the petitioner, and also considering the fact that the petitioner has permanent residence and deep roots in the society and therefore, there

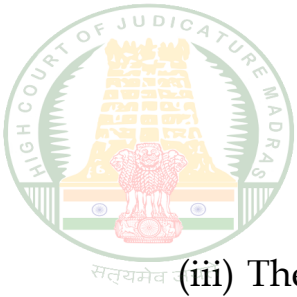


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is less possibility of absconding and taking note of the fact that, since the investigation has been completed in this case, the custodial interrogation of the petitioner is not necessary for the investigating agency and considering the undertaking given by the petitioner that he shall deposit some amount to the Government Model Girls Higher Secondary School, Ulaganeri, Y.Othakadai, Madurai, and also 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 subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate III, Dindigul, within a period of 30 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 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 Practice, 2019']. The learned Judicial Magistrate III, Dindigul, shall obtain a copy of any one of identity proofs to ensure their identity;



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

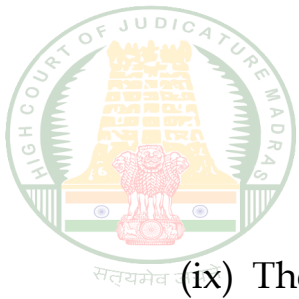
(iv) As per the undertaking given by the petitioner, the petitioner shall make a Demand Draft for a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) in favour of the Headmaster, Government Model Girls Higher Secondary School, Ulaganeri, Y.Othakadai, Madurai, within a period of thirty days from today (i.e., on 28.04.2025) and the petitioner is further directed to produce the copy of the Demand Draft at the time of execution of sureties before the concerned learned Judicial Magistrate and thereafter, sureties shall be accepted.

(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 not, directly or indirectly cause threat to the witnesses and shall not tamper with the evidence.

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



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

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

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

sd/-
28/04/2025

/ TRUE COPY /

/05/2025
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO
1 THE JUDICIAL MAGISTRATE NO.III
DINDIGUL.

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.

3.The Inspector of Police,
Dindigul Police Station,
CSCID, Madurai.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:
THE HEADMASTER,
GOVERNMENT MODEL GIRLS HIGHER SECONDARY SCHOOL,
ULAGANERI, Y.OTHAKADAI, MADURAI.

+1 CC to M/s.S.RAMASAMY, Advocate (SR-4898[I] dated 28/04/2025)

ORDER
IN

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Date :28/04/2025

MK/SAR /02.05.2025 7P/7C

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