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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.11769 of 2025

L.Kandasamy

... Petitioner/ Accused

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Civil Supplies and Crime Investigation Department,
(CSCID-Madurai)
Uthamapalayam Police Station,
Theni District.

... Respondent/ Complainant

For Petitioner : Mr.M.Dhinakar,
Advocate

For Respondent : Mr.S.Prakash,
Government Advocate
(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.114 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7(1)(a)(ii) of Essential



Commodities Act, 1955 and 6(4) of TN Scheduled Commodities (RDCS) Order, 1982, in Crime No.114 of 2025 on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that on 13.06.2025, while the Special Tahsildar, Flying Squad, Theni, was conducting a vehicle check to detect the smuggling of scheduled commodities, a lorry bearing Registration No.TN-25-AK-8021 was proceeding towards the Theni SITCO unit. When the government official intercepted and inspected the said vehicle, he found it loaded with 220 bags of rice, each weighing 50 kilograms. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and is in no way connected with the alleged occurrence as stated by the prosecution. He further submitted that the petitioner is only acting driver and co-accused/ A2 had already been granted anticipatory bail by this Court in CrI.OP(MD).No.10312 of 2025 dated 04.07.2025. He, however, submitted that the petitioner is willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl. side) submitted that the petitioner has been arrayed as A3 in this case. A1 was arrested and subsequently released on bail on 26.06.2025 by the learned Judicial Magistrate, Uthamapalayam in



Crl.M.P.No.721 of 2025. He further submitted that the investigation is almost completed. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and taking note of the fact that as the date of occurrence is 12.06.2025, by this time most of the investigation might have been completed, and that the entire properties have already been recovered, and that one of the co-accused was arrested and subsequently released on bail, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Uthamapalayam, Theni District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar



card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Environmental Committee operated by Registrar (Judicial) Account No.7633863037, MICR Code: 625019020, CIF No.30602376727, IFSC Code IDIBH040, High Court Branch, Madurai, without prejudice to his right and contentions before the trial Court as Non-refundable deposit and on such deposit being made, the learned Judicial Magistrate, Uthamapalayam, Theni District, shall accept the sureties furnished by the petitioner;

(c) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Uthamapalayam, Theni District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Uthamapalayam, Theni District;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/ Trial Court himself as laid down by the Hon'ble Supreme Court



in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560] and;

(h) if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

Sd/-

16.07.2025

// True Copy //

/ /2025

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

msrm

To

- 1.The Judicial Magistrate,
Uthamapalayam, Theni District.
2. Do through the Chief Judicial Magistrate,
Theni District.
- 3.The Inspector of Police,
Civil Supplies and Crime Investigation Department,
(CSCID-Madurai)
Uthamapalayam Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
5. The Environmental Committee operated by Registrar (Judicial)
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN

CRL OP(MD) No.11769 of 2025
Date :16/07/2025

CT (24/07/2025) 6P/6C

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