



CRL OP(MD). No.19108 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.19108 of 2024

Ramesh,
No. 5/91 Thottathu Vilai Kappiyari,
Karungal, Kanniyakumari District.

... Petitioner/ Accused No.1

Vs

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Civil Supplies CID,
Nagercoil,
Kanniyakumar District.
Crime No. 249/2024

2. The Superintendent of Police,
Civil Supplies C.I.D,
Madurai.
(R2 *suo-motu* impleaded as per Common Order
of the Court dated 20.11.2024 in CrI.
OP.(MD).Nos.19048, 19169, 19100, 19108,
19738, 19056, 19054 of 2024)

... Respondents/ Complainants



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For Petitioner : Mr.R.Anand, Advocate
for Mr.Sathish Kumar K,
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 249 of 2024 on the file of the Respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.11.2024 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 the TNCSC (RDCS) Order, 1982 r/w. Section 7(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.249 of 2024 on the file of the first respondent.

3. The case of the prosecution is that on 28.10.2024, the defacto complainant / the Inspector of Police, along with his team conducted an inspection. During the inspection, they intercepted one car. The driver of the vehicle did not stop and attempted to escape. Thereafter, the defacto complainant chased the vehicle and



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managed to stop it. Upon conducting a search in the offending vehicle, they found that the driver was transporting 3600 kgs of PDS rice. He was then arrested, and the PDS rice along with the vehicle was seized from him. Based on the confession given by the driver of the vehicle, the petitioner herein has been arrayed as Accused No.1. Hence, the case was registered.

4. Mr.R.Anand, learned counsel for Mr.K.Sathish Kumar, learned counsel on record for the petitioner, submits that the petitioner has nothing to do with the alleged offence. He further submits that the petitioner is ready to abide by any condition to be imposed by this Court. He further submits that the petitioner herein runs a rice shop under the name and style of 'Gomathi Traders' at Parasala, Kerala. He further submits that the Inspector of Police in the Kaliakavilai Police Station demanded money from him. When the petitioner refused to give money, on 27.10.2024, the Inspector of Police along with police officials, came to the shop of the petitioner and illegally took a sum of Rs.1,00,000/-, some articles worth about Rs.2,00,000/-, 5000 kgs of rice and three cars belonging to him. He further submits that due to previous motive, five false cases have been registered against the petitioner. Hence, he prays to grant pre-arrest bail to the petitioner.

5. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that on the alleged date of occurrence, the



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petitioner herein has contacted other accused persons over mobile. He further submits that totally there are 5 accused persons in this case. He further submits that the petitioner along with other accused persons have illegally transported huge quantity of 3600 kgs of PDS rice. He further submits that the alleged car and PDS rice have been seized by the respondent-Police. He further submits that the custodial interrogation of the petitioner is necessary in this case. Hence, he vehemently opposes to grant pre-arrest bail to the petitioners.

6. Heard on both sides. This Court has perused the records and the status report filed by the respondent-Police.

7. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the fact that the alleged rice and the vehicle have been seized by the respondent-Police, the custodial interrogation of the petitioner may not be necessary for the investigating agency, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of 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 II, Nagercoil, within a period of 15 days from date on which the order copy is made ready, on executing a



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bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties, each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate II, Nagercoil;

(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 II, Nagercoil, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders;

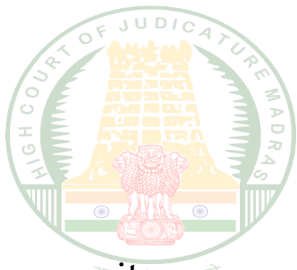
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required;

(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 leave India without the previous permission of the Court;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate II, Nagercoil;

(viii) The petitioner shall not, directly or indirectly, cause any threat to the



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witnesses and shall not tamper the evidence; and

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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate II, Nagercoil 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/-
27/03/2025

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/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 II, Nagercoil.

2 Do through the Chief Judicial Magistrate, Kanyakumari District at Nagercoil.

3.The Inspector of Police,
Civil Supplies CID,
Nagercoil,
Kanniyakumari District.

4.The Superintendent of Police,
Civil Supplies C.I.D,



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Madurai.

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

ORDER

IN

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Date :27/03/2025

PP/12.05.2025 7P/6C

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