
(2025) 11 MAD CK 1984

In the Madras High Court, Madurai Bench

Case No : Criminal Original Petition (MD) No. 19972 Of 2025

Diwan

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

Date of Decision : 18-11-2025

Acts Referred:

Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 — Section 6(4)
Essential Commodities Act, 1955 — Section 7(1)(a)(ii)
Bharatiya Nyaya Sanhita, 2023 — Section 269

Citation : (2025) 11 MAD CK 1984

Hon'ble Judges : S.Srimathy, J

Bench : Single Bench

Advocate : SC.Herold Singh, E.Antony Sahaya Prabahar

Judgement

S.Srimathy, J

1. The petitioner, who was arrested and remanded to judicial custody on 27.10.2025 for the offences punishable under Sections 6(4) of TN Scheduled Commodities (RDCS) Order 1982 read with Section 7(1)(a)

(ii) of Essential Commodities Act, 1955, in Crime No.188 of 2025 on the file of the respondent police, seeks bail.

2. The prosecution's case is that the petitioner along with other accused persons had illegally transported 1000 kgs of PDS rice. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that based on the confession of co-accused, the petitioner was falsely implicated in this case. He further submitted that the petitioner is ready and willing to abide by any conditions which may be imposed by this Court and he is in judicial custody from 27.10.2025. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are three previous cases pending against the Petitioner and the property has been recovered. However, he opposed for grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the property has been recovered and also consideration the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District, and on further conditions that :-

[a] 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 make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of The Head Master, Government Model Girls Higher Secondary School, Y.Othakkadai, Madurai, in SBI Account No.10968750674, IFSC No.SBI0002246, State Bank of India Y.Othakkadai, Madurai. This fund shall be utilized for the purpose of purchasing furniture (Benches & Desks) for newly constructed class rooms under " Namakku Name" Scheme, without prejudice to his contentions and rights before the trial Court, and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(c) the petitioner shall report before the learned Judicial Magistrate-III, Nagercoil, daily at 10.30 a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.