



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13825 of 2022

1 MURUGESAN
2 PRABU

[PETITIONERS / ACCUSED]

Vs

THE STATE OF TAMILNADU REP BY
THE INSPECTOR OF POLICE,
CSCID VILLUPURAM POLICE STATION.
VILLUPURAM DISTRICT.
CRIME NO.83/2022

[RESPONDENT]

For Petitioner : M/S.M.DEVARAJ Advocate

For Respondent : MR. V.J.PRIYADARSANA, Govt. Advocate (Crl. Side)

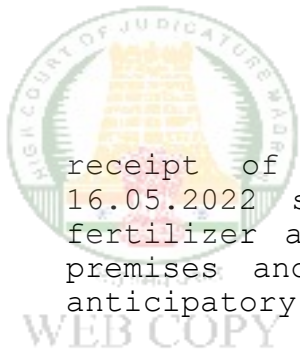
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 5 of the Fertilizer Control Order, 1985 and Section 3 of the Fertilizer (Movement Control) Order, 1973 r/w 7(1)(a)(ii) of the Essential Commodities Act, 1955, in Cr.No.83 of 2022, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that, on 07.05.2022, on the inspection conducted by the defacto complainant, it is found that the petitioners' company is in illegal transportation of about 19 Metric Tons of fertilizer in a lorry. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that based on the complaint, the authority concerned sealed the premises and also issued a show cause notice to the petitioners. On



receipt of the same, they have also given explanation, dated 16.05.2022 stating that the 19 Metric Ton in the lorry was not fertilizer and the same was the sludge, which was collected in the premises and shifted to nearby places. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the quantity of fertilizer involved is 19 Metric Ton, which is a huge quantity. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances, this Court is of the view that the custodial interrogation of the petitioners do not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Villupuram, on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m and 5.30 p.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
16/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CSCID VILLUPURAM POLICE STATION
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.DEVARAJ Advocate on payment of necessary charges

CRL OP.13825/2022

Date :16/06/2022

RW-27/06/2022