



Crl.O.P.(MD).No.21274 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). Nos.21274 & 21377 of 2024

Crl.O.P.(MD).No.21274 of 2024:

R.Stalin,

... Petitioner/ Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Kulathur Police Station,
Thoothukudi District.
Crime No.310 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.Iniyavan.M,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

Crl.O.P.(MD).No.21377 of 2024:

Jeyakumar,

... Petitioner/ Accused 10

Vs



Crl.O.P.(MD).No.21274 of 2024

The State of Tamilnadu,
Rep by the Inspector of Police,
Kulathur Police Station,
Thoothukudi District.
Crime No.310 of 2024.

... Respondent/Complainant

For Petitioner : S.Vishnuvardhan,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

COMMON PRAYER :- For Anticipatory Bail in Crime no.310 of 2024 on the file of the Respondent Police.

COMMON ORDER : The Court made the following common order :-

The petitioners / accused Nos.10 and 18, who apprehend arrest at the hands of the respondent Police for the offence under Sections 132, 351(3) of BNS and Sections 12, 19(c)(i), 19(c)(ii), 19(c)(iii) of Fertilizer Control Order, 1985 and Sections 3 and 7(1)(a) of Essential Commodities Act, 1955.

2. The case of the prosecution is that on a secret information, a vehicle was intercepted on 19.11.2024 at about 10.00 a.m. On inspection, it was found that the vehicle was illegally carrying Government fertilizers to the tune of 17 1/2 tonnes. Apart from that, BD leaves (40 bundles) was also carried in the vehicle. There are totally 18 accused persons in this case and the petitioners have been arrayed as



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Accused Nos.10 and 18.

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3. Insofar as Accused No.10 is concerned, it is alleged that three tonnes was seized from his godown. Insofar as Accused No.18 is concerned, he is having a licensed shop for selling fertilizers and he is said to have utilised this fertilizer which was illegally transported for selling it to outsiders.

4. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

5. Taking into consideration the facts and circumstances of the case and considering the fact that most of the accused have been arrested in this case and the entire materials have been seized by the prosecution and there are no previous cases against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vilathikulam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), each 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 said Magistrate, on further condition that:



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[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of three 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 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;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-
09/12/2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TSG

TO

1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
KULATHUR POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.INIYAVAN, Advocate (SR-15264[I] dated 11/12/2024)

ORDER

IN

CRL OP(MD). Nos.21274 & 21377 of 2024

Date :09/12/2024

SA/SKN/SAR. /17.12.2024/5P/6C

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