



Crl.O.P.(MD) No.22904 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD) No.22904 of 2024

Arul Jacob @ Arul Jakcup

... Petitioner / A14

-vs-

The State of Tamil Nadu
rep.by the Inspector of Police
Kulathur Police Station
Thoothukudi District
(Crime No.310 of 2024)

... Respondent / Complainant

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER: Petition filed under Section 482 of BNSS to enlarge the petitioner on bail in the event of his arrest in Crime No.310 of 2024, pending investigation on the file of the respondent – Police.

For Petitioner : Ms.S.Prabha, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

O R D E R

The petitioner / A14, who apprehends arrest at the hands of the respondent –

Police for the offences punishable under Sections 132 and 351(3) of the Bharatiya

<https://www.mhc.tn.gov.in/judis>



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Nyaya Sanhita (BNS), 2023, Sections 12, 19(c)(i), 19(c)(ii) and 19(c)(iii) of the Fertilizer Control Order, 1985 and Sections 3 and 7(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.310 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.11.2024, at about 10.00 a.m., the petitioner was found to have illegally carried Government fertilizers to the tune of 17 ½ tonnes and also BD leaves (40 bundles) in a vehicle. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he was falsely implicated in this case. He has not committed any offence as alleged by the prosecution. Hence, she prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent – Police would submit that on 19.11.2024, at about 10.00 a.m., the petitioner was found to have illegally carried Government fertilizers to the tune of 17 ½ tonnes and also BD leaves (40 bundles) in a vehicle. He would further submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail



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to the petitioner.

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5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and the nature of offences charged as against the petitioner and also taking into consideration the fact that there is no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on anticipatory bail on condition to execute 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 District Munsif-cum-Judicial Magistrate, Vilathikulam, Thoothukudi and on further conditions that:

[b] the petitioner shall report before the respondent – Police, on all Saturdays at 10.00 A.M. for four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not commit any offences of similar nature.

[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 Judicial Magistrate/Trial



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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 B.N.S.

sd/-
27/12/2024

/ TRUE COPY /

/01/2025
Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

krk

TO:

- 1.THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE, VILATHIKULAM,
THOOTHUKUDI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3.THE INSPECTOR OF POLICE,
KULATHUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.22904 of 2024
Date :27/12/2024

RK/SKN (02/01/2025) 5P / 5C

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