



CRL OP NO. 1603 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 1603 of 2025

Bala Alias Balakumaran
S/o.Mathiyalagan, No.3a, Muthu Nagar, Pollachi Road,
Dharapuram, Tiruppur - 638 657. and 4 Others

Petitioner(s)

Vs

The State Rep By Its, The Inspector Of Police
Tiruppur Police Station, Cscid-chennai.

Respondent(s)

For Petitioner(s):

K.Rajendra Prasad
Rajendraprasad K
M.Abishek
H.M.Sathyanarayanan

For Respondent(s):

S.Santhosh
Government Advocate (criminal Side)
Madras High Court.

ORDER

The petitioners, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 19(c)(v), 25(1) of the Fertilizer Control Order, 1985 r/w 7(1)(2)(ii) of the Essential Commodities Act, 1955 in connection with the Cr.No.378 of 2024, seeks anticipatory bail



2. The learned counsel for the petitioners would submit that the petitioner her connected to the alleged offence nor to the accused. The petitioners are implicated only at the instance of the co-accused. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

3. The case of the prosecution put forth by the learned Government Advocate (Crl.Side) while opposing for the grant of anticipatory bail to the petitioner is that A3 is the proposed receiver of the government subsidized urea fertilizer from the Accused 1 and 2, who are indulging in activities by selling the urea fertilizer in the retail market as technical grade. He further submitted that the petitioners are not having previous cases. Hence, strongly opposed this petition.

4. Heard both sides and perused the materials placed on record. Though the allegations against the petitioners appears to be quite serious, on going through the averments, it can be seen that he has been implicated only at the instance of the co-accused and the petitioners are not having previous case of similar nature and the petitioners were to receive the contraband in question, this Court is of the view that custodial interrogation of the petitioners are not warranted, thus, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions



5. Accordingly, the petitioners are ordered to be released on bail in the event of

his appearance, within a period of fifteen (15) days from the date on which the order copy

made ready, before the learned Judicial Magistrate II, Tiruppur 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 learned Magistrate concerned

and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10 a.m. for a period of one month and thereafter as and when required for interrogation.

[b] the petitioners 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 or tamper with the evidence;

[c] the petitioners shall not leave India without the previous permission of the Court;

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



[e] On breach of any of the aforesaid conditions, the learned Magistra

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

WEB COPY

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 269 B.N.S.2023.

24-01-2025

msv
To
The Inspector Of Police
Tiruppur Police Station,
Cscid-chennai.