



Crl.OP.No.9392 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9392 of 2025

1.Sabishkumar
2.Yesudoss
3.Ravi Kumar

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Civil Supplies C.I.D.,
Tiruppur Unit.
(Crime No.378 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of arrest in Crime No.378 of 2024 on the file of the respondent Police.

For Petitioners : M/s.Nirmal Krishnan

For Respondent : Mr.S.Balaji
Government Advocate(Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Section 19(c)(v), 25(1) of Fertilizer
Control Order 1985 r/w 7(1)(a)(ii) of EC Act, 1955 in Crime No.378 of



2024, seek anticipatory bail.

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2. The case of the prosecution is that, the petitioner along with other accused had illegally stored paddy and fertilizer.

3. The learned counsel appearing for the petitioners submitted that the allegations are false; that the petitioners are sought to be implicated on the confession of co-accused and that in any case custodial interrogation is not required and prayed for anticipatory bail to the petitioners.

4. Insofar as the 1st and 2nd petitioner is concerned, the learned Government Advocate (Crl. Side), while opposing the grant of anticipatory bail, reiterated the prosecution case and on instructions submitted that the the 1st and 2nd petitioner are implicated on the confession of co-accused; that petitioners have no bad antecedents.

5. Insofar as the 3rd petitioner is concerned, the learned

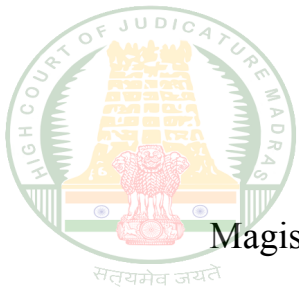


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Government Advocate (Crl. Side) appearing for the respondent police, on instructions submitted that the 3rd petitioner has been arrested and released on bail. Hence, this criminal original petition is dismissed as infructuous insofar as the 3rd petitioner.

6. Considering the nature of allegations, the fact that the contraband was seized from the co-accused, the 1st and 2nd petitioner are sought to be implicated on the confession of the co-accused, the 1st 2nd petitioners have no bad antecedents and since, custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 is made ready, before the **Learned Judicial Magistrate No.II, Tiruppur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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



CrI.OP.No.9392 of 2025

Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 absconds, a fresh FIR can be registered under Section 269 BNS.

28.03.2025

Index : Yes / No
Internet : Yes / No
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To



CrI.OP.No.9392 of 2025

1.The Inspector of Police,
Civil Supplies C.I.D.,
Tiruppur Unit.

2.The learned Judicial Magistrate No.II,
Tiruppur.

3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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Crl.OP.No.9392 of 2025

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