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Crl.OP.No.10887 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.10887 of 2025

K.Gnanamani

... Petitioner(s) /Accused

Vs.

The State rep. by its,
Inspector of Police,
Tiruppur Police Station,
Tiruppur District,
CSCID Chennai.
Crime No.378 of 2024

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.378 of 2024, on the file of the Inspector of Police, Tiruppur Police Station, Tiruppur District, CSCID Chennai.

For petitioner(s) : Mr.Rajendra Prasad

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

ORDER

This is the second anticipatory bail application filed by the petitioner



before this Court.

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2. The earlier anticipatory bail application filed by the petitioner was closed by rendering the submissions of the Government Advocate that the petitioner is not an accused.

3. The petitioner, who now apprehends arrest at the hands of the respondent police for the offences punishable under Sections 19(c),(v) & 25(1) of Fertilizer Control Order r/w Section 7(1)(a)(ii) of Essential Commodities Act, in Crime No.378 of 2024 seeks anticipatory bail.

4. It is the case of the prosecution that the accused had obtained urea fertilizer at subsidised rates, repacked the same and sold it as technical grade urea for industrial use.

5. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and prayed for anticipatory bail for the petitioner.



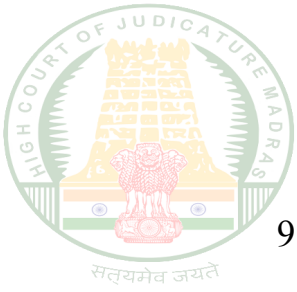
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6. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the co-accused has been arrested and released on bail.

7. The earlier anticipatory bail application was closed since, it was represented by the learned Government Advocate (Crl. Side) that the petitioner is not an accused. Thereafter, the co-accused were granted anticipatory bail by this Court, considering the fact that the contraband has been seized.

8. Considering the aforesaid facts, the nature of the allegations against the petitioner and since, the petitioner has no bad antecedents, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioner with certain conditions.



9. Accordingly, the petitioner is ordered to be released on bail in the event

of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Judicial Magistrate II, Tiruppur District**, 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 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 appear 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;



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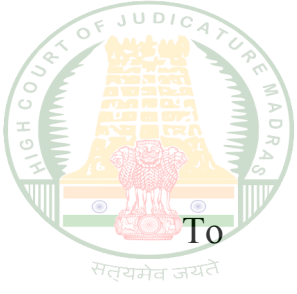
[d] the petitioner shall not abscond either during investigation or trial.

[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 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]**;

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

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To
1. Inspector of Police, Tiruppur Police Station,
Tiruppur District, CSCID Chennai.

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

3. Judicial Magistrate II, Tiruppur District

SUNDER MOHAN, J.

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