



Crl.O.P.No.16817 and 17693 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16817 and 17693 of 2025

Mujibur Rahman

...Petitioner in Crl.O.PNo.16817 of 2025

Nethaji

...Petitioner in Crl.O.PNo.17693 of 2025

Vs.

State rep. by

The Inspector of Police

M-3 Puzhal Police Station

Chennai

... Respondent in both Crl.O.P's

COMMON PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitionerS on bail pending investigation in Crime No. 314 of 2025 pending on the file of the respondent police.

InCrl.O.PNo.16817 of 2025

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervenor : Mr.D.Ajith Kumar

InCrl.O.PNo.17693 of 2025

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervenor : Mr.D.Ajith Kumar



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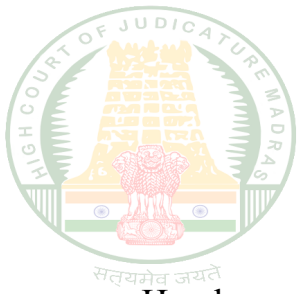
COMMON ORDER

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The petitioners, who were arrested and remanded to judicial custody on 15.05.2025, for the offence punishable under Sections 306 of BNS @ to Section 316 (4) r/w 3(5) of BNS in connection with Crime No.314 of 2025, registered on the file of the respondent, seek bail.

2. The case of the prosecution is that the defacto complainant, who is an Assistant Manager of J.M.Baxis Parts and Logistics Private limited, had lodged a complaint stating that 232 tons of water soluble fertilizer (WSF) stored at R.R. Warehouse complex were found missing during an audit on 04.09.2024 and was suspected to have been stolen by the R.R.Warehouse Management. Hence, a case has been registered in Crime No.314 of 2025.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are in no way connected with the alleged offence, however, they are suffering incarceration from 15.05.2025. It is the contention of the petitioners that A1 is the care taker of the warehouse. The warehouse is handled by the defacto complainant's employees. He further submitted that in this case, A2 was arrested and he was enlarged on bail without any monetary condition. As far as A3 is concerned, he is dealing with fertilizers.



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He also submitted that 3175 Kg of fertilizers worth about Rs.45 lakhs and a sum of Rs.8 lakhs was seized from A1 and from A2, Rs.15 lakhs was seized. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Additional Public Prosecutor appearing for the respondent police, while opposing for grant of bail to the petitioners, submitted that A1 to A3 have conspired together and removed the fertilizers which was stored in the R.R. Warehouse Complex. He also submitted that as on date, as per audit report submitted by the defacto complainant, 232 tons of fertilizers worth about Rs.5.11 crores were found missing. He also submitted that in this case, investigation is ongoing and the fertilizers are yet to be seized. The details regarding how the accused persons removed the fertilizer and sold the same to third parties are still under investigation. Hence, he strongly objected to grant bail to the petitioners.

5. The learned counsel for the intervenor produced the audit report and the photographs to this Court showing that defacto complainant's fertilizers were seized from the premises of A3 which proves that A3 actively participated along with A1 and A2 and had kept the fertilizer for illegal sale and thereby, caused a loss to the defacto complainant to the tune of Rs.5.11 crores. Hence, he strongly



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objected to grant bail to the petitioners.

6. The petitioners are arrayed as A1 and A3. Now, the case has been projected by the defacto complainant against the petitioners as if the defacto complainant used to stock the fertilizers in the R.R. Warehouse Complex from the year 2019. In order to store huge volume of cargo, he had taken another portion of the warehouse. It is alleged that fertilizers were stolen from this area wherein A1 served as a care taker of warehouse, A2 acted as a mediator and A3 is a fertilizer shop owner. During a physical audit, the defacto complainant found that huge amount of fertilizers were found missing. Hence, the defacto complainant lodged a complaint.

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

8. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and considering the period of incarceration undergone by the petitioner and considering the fact that co-accused/A2 was granted bail by the Trial Court, this Court is inclined to grant bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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**



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District Munsif cum Judicial Magistrate, Madhavaram and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m. until further orders.

[c] the petitioners are directed to deposit a sum of **Rs.10,00,000/- (rupees ten lakhs only)** each to the credit of crime number and produce the proof before the learned Magistrate concerned at the time of executing the sureties. The learned concerned magistrate shall deposit the same in the interest bearing fixed deposit scheme in any one of the nationalised banks.

[d] The amount of Rs.8,00,000/-seized from A1 and Rs.15,00,000/- seized from A2 shall be deposited by the court concerned or the investigating agency, as the case may be, in an interest bearing fixed deposit scheme in any one of the nationalised banks.

[e] the petitioners shall make himself available for interrogation by a Police Officer as and when required;



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[f] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[g] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[h] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The District Munsif cum Judicial Magistrate, Madhavaram
2. The Inspector of Police
M-3 Puzhal Police Station
Chennai
3. The Superintendent,
Central Prison-II Puzhal.
4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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