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Criminal Original Petition No.34938 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

Criminal Original Petition No.34938 of 2025

M.Sakthivel

S/o.Murugaiyan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Kottur Police Station,
Crime No.243 of 2025
Thiruthuraipoondi Taluk,
Thiruvarur District.

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023, praying to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.243 of 2025 on the file of respondent police.

For Petitioner : Mr.S.Mayilnathan

For Respondent : Mr.S.Udaya Kumar
Government Advocate [Crl.side]

ORDER

The petitioner, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 318(4) of the BNS Act, 2023 read with Sections 7(1)(a)(i), 6, 7 and 8 of the



Essential Commodities Act, 1955 and Sections 19(a) and 19(c)(iii) of the Fertilizer Control Order 1985 in Crime No.243 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.11.2025, based on the information, the Agriculture Officer, Office of the Assistant Director of Agriculture, Farmers Market Complex, Thiruthuraipoondi Taluk, Thiruvarur District and her team went for inspection to visit the premises of the accused and noticed that light green fertilizer bags labelled “SPIC DAP” kept in the shop and seized the fertilizer bags which the petitioner had allegedly hidden 139 fake fertilizer bags in the godown of his house. It is further alleged that the value of the alleged fake fertilizer is Rs.1,98,450/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner kept the alleged fertilizer bags for his own agricultural use. He further submitted that the petitioner, who is aged about 63 years, is an innocent person and he has been falsely implicated in the case. The petitioner has not committed any such offence as alleged by the prosecution. He further submits that the petitioner is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the accused had possession of fake fertilizer bags and the amount involved in the present case is about Rs.1,98,450/-, investigation is pending and the offence is grave in nature and hence, vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Considering the nature of offences alleged against the petitioner and according to the petitioner, the alleged fertilizer bags were stored in his godown for his own agricultural purpose and also considering the age and health condition of the petitioner and that the fact there is no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

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 made ready, before the **Judicial Magistrate-II, Mannargudi**, on condition that the petitioner shall



execute 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 Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily for a period of 30 days;

[b] the petitioner 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 them from disclosing such facts to the Court or to any police officer;

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

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court



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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 B.N.S. 2023.

30.12.2025

mk/mp

Neutral Citation: Yes/No

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 official website of this Court will be watermarked and will also have a QR code.**

To

1. The Judicial Magistrate No.II,
Mannargudi.
2. The Inspector of Police,
Kottur Police Station,
Crime No.243 of 2025
Thiruthuraipoondi Taluk,
Thiruvarur District.
3. The Public Prosecutor,
High Court, Madras.



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P.DHANABAL, J

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