



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Fifth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20302 of 2016

PITCHAI

... PETITIONER/ACCUSED(RANK NOT KNOWN)

Vs

STATE REP BY
THE INSPECTOR OF POLICE
C.S.C.I.D. VIRUDHUNAGAR
(CRIME NO.68 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.T.LENIN KUMAR Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN ,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

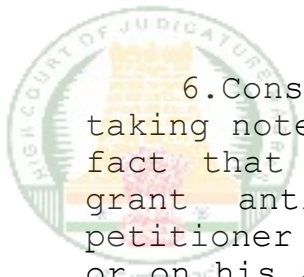
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 17 of TNK (RT) Order 1973 Kerosene (Restriction on use and Fixation of Ceiling Prices) Order 1993 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.68 of 2016 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that the respondent Police on receipt of information that adulterated PDS Kerosene mixed with diesel is being sold for using as fuel in the vehicle, intercepted a Diesel tanker lorry on 11.03.2016 and found that it contained 100 liters of duplicate diesel which was in possession of A1 and A2 and that respondent Police seized the vehicle.

4.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

5.The learned Government Advocate (Crl.side) submitted that A2 was arrested and enlarged on bail. He further submitted that investigation is almost over.



6.Considering the facts and circumstances of the case and also taking note of the fact that co-accused was enlarged on bail and the fact that investigation is nearing completion, I am inclined to grant anticipatory bail to the petitioner. 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Virudhunagar, on condition that the petitioner shall execute a 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10:30 am until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial. [d] 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-

25/10/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE NO.I
VIRUDHUNAGAR
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4.THE INSPECTOR OF POLICE
C.S.C.I.D. VIRUDHUNAGAR

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.63417
RL/6C/2P/KP/SAR3/24.11.2016