



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

Wednesday, the Fifth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21447 of 2018

PITCHAI

... PETITIONER / ACCUSED (RANK NOT KNOWN)

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
C.S.CID, VIRUDHUNAGAR
(CRIME NO.68 of 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.LENIN KUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
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 offence punishable under Section 17 of TNK (RT) Order - 1973 and 3(1) 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, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein has sold 150 liters of PDS kerosene to Accused Nos.1 and 2 in this case, who have used the PDS kerosene in the diesel tank of one lorry.

3.The petitioner herein had already granted anticipatory bail before this Court in Crl.O.P.(MD)No.20302 of 2016 on 25.10.2016. Due to an unfortunate fracture in his leg, he could not able to execute the sureties within time. Therefore, as per the direction of this Court in Crl.M.P.(MD)No.7979 of 2018 in Crl.O.P.(MD)No.20302 of 2016, this second anticipatory bail petition has been filed.

4.Taking note of the above facts and circumstances, this Court is 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, Virudhungar on condition that the



petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of fifteen days, this order shall stand automatically cancelled without any reference to the Court.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/12/2018

/ 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 AT SRIVILLILPUTHUR
- 3 THE INSPECTOR OF POLICE
C.S.CID, VIRUDHUNAGAR
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.T.LENIN KUMAR Advocate SR.No.22708

ORDER

IN

CRL OP(MD) No.21447 of 2018

Date :05/12/2018