

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C. SARAVANAN

CRIMINAL ORIGINAL PETITION No.12923 of 2019

KODHANDAM

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
CIVIL SUPPLIES, CID,
CHENNAI UNIT, CHENNAI.
CR.NO.146 OF 2019

[RESPONDENT]

For Petitioner : M/S.K.SARATH KUMAR Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN 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 offences publishable under Section 17 of the Tamil Nadu Kerosene (Regulation of Trade) Order, 1973 read with 7 (1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.146 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 08.05.2019, the petitioner is alleged to have transported 600 litres of kerosene illegally, resulting in registration of the case.

3.The learned counsel appearing for the petitioner would submit that he is no way connected with the offence. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there is no previous case against the petitioner. However, she opposed for the grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 learned VI Metropolitan Magistrate, Egmore 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, 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 report before the respondent police 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
22/05/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

सत्यमेव जयते
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.VI, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

<https://hcservices.ecourts.gov.in/hcservices/>

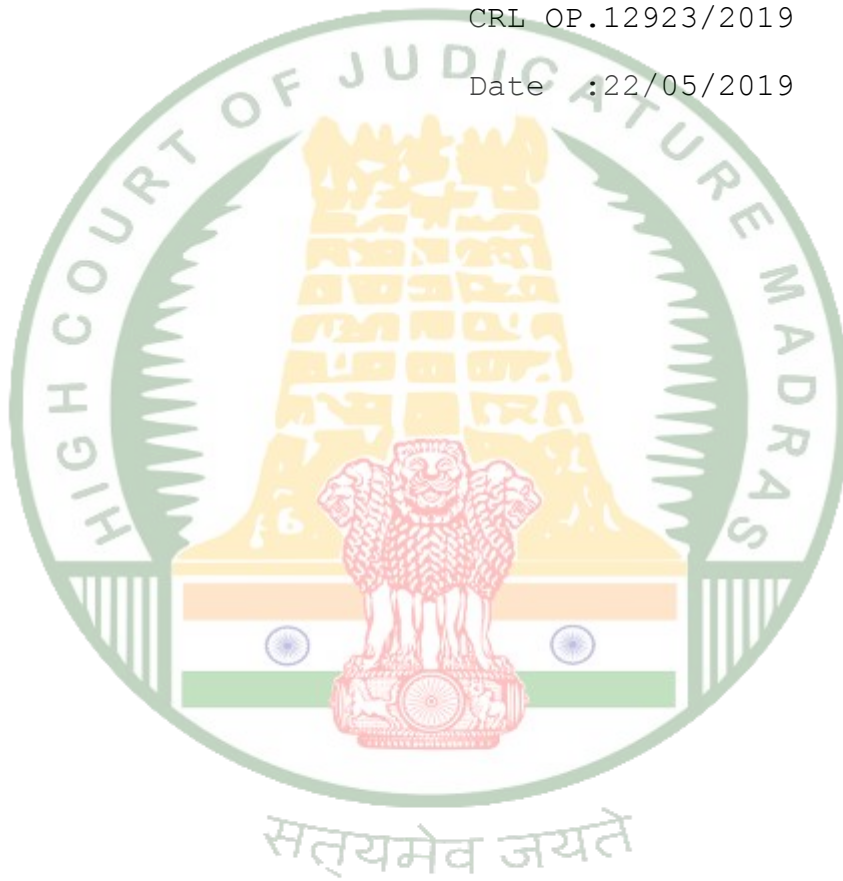
4 THE INSPECTOR OF POLICE
CIVIL SUPPLIES, CID,
CHENNAI UNIT,
CHENNAI.

+1 CC to M/S.K.SARATH KUMAR Advocate on payment of necessary
charges SR.NO. 10088

CRL OP.12923/2019

Date :22/05/2019

RD 23/05/2019



WEB COPY