

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Second day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.4878 of 2020

P.KUMARAVEL

[PETITIONER / ACCUSED]

Vs

STATE THROUGH

THE INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.20/2020.

[RESPONDENT]

For Petitioner : MR.AL.SOMAIYAJI SEENIOR COUNSEL FOR
M/S.AAV PARTNERS Advocate

For Respondent : MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR

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 punishable under Sections 336, 427, 409, 420 and 506(i) of IPC in Crime No.20 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that as per the defacto complainant, he was granted dealership for running a petrol bunk by the Indian Oil Corporation. Due to non following of rules, the defacto complainant sustained loss. When he has raised the dispute, the Indian Oil Corporation terminated his dealership. Against the order of termination, several legal proceedings were pending between the defacto complainant and the Indian Oil Corporation. It is the specific contention of the defacto complainant that due to non following of the procedure in constructing the underground tank, the petitioner sustained loss. While the proceedings are pending before this Court, accused and the contractor had attempted to destroy the underground tank in order to destroy the evidence and prevent the petitioner from getting favourable orders from the Court.

4. The learned senior counsel for the petitioner would submit that the petitioner is presently working as General Manager, Retail Sales in the Indian Oil Corporation. During the year 2007, the petitioner was working as Chief Divisional Manager, Retail Sales in

the very same corporation. During the relevant period, the license was given to the defacto complainant to run the petrol bunk under the reserved category at Uthiramerur. Since the operation was not done properly by the defacto complainant, the license granted was terminated.

5. Thereafter, the matter was referred to Arbitration. After arbitration, the Arbitrator passed an award justifying the order of termination. Against the order of the Arbitrator, the defacto complainant filed O.P.No.482 of 2017. Further aggrieved with the termination, the defacto complainant had been repeatedly sending various complaints. While so, during the pendency of the O.P., before this Court, the defacto complainant had filed private complaint before the Judicial Magistrate, Uthiramerur in CrI.M.P.No.104 of 2020 and the learned Magistrate had referred the complaint under Section 156(3) of Cr.P.C., to the respondent police to register a case and to investigate.

6. He would further submit that the main contention of the petitioner in the complaint is that an attempt had been made by the Indian Oil Corporation and its contractor to remove the underground tank in the petrol bunk in order to destroy the evidence. The fact remains that the application No.2480 of 2018 has been withdrawn by the defacto complainant on 21.01.2020.

7. The learned Additional Public Prosecutor would submit that the case has been registered on 30.01.2020, based on the direction of the learned Judicial Magistrate, Uthiramerur dated 10.01.2020.

8. Taking into consideration the nature of allegations against the petitioner, and the submission made by the learned counsel for the petitioner, this Court inclined to grant anticipatory bail to the petitioner with stringent conditions.

9. 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 Judicial Magistrate, Uthiramerur 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 daily at 10.30 a.m., for a period of one week and thereafter as and when required until further orders.

[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/-
02/03/2020

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
UTHIRMERUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.AAV PARTNERS Advocate on payment of necessary charges SR.NO. 4211

CRL OP.4878/2020

Date :02/03/2020

RD 04/03/2020