

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.14908 of 2020

K.Somasundaram

... Petitioner

Vs.

1. The Deputy Superintendent of Police, ... Respondents
(CSCID) Thiruvallur Police Station
Chennai.

2. The Inspector of Police,
CSCID, Chennai.
Tiruvallur.
(Cr.No.182 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.182 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.V.R.Karthikeyan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 2 (e) (VII) Motor Spirit and High speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998 and 7 (1) (a) (ii) Essential Commodities Act, 1955, in Crime No.182 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., DSP Tiruvallur is that on secret information, he has conducted raid that some persons were illegally transported

32,000 litres of High Speed Oil by using tanker lorry. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is the owner of the tanker lorry bearing Registration No.TN 03 U 2599 and he would further submit that the lorry was misused by others. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioner is the owner of the tanker lorry. The accused transported 32,000 of High Speed oil by using tanker lorry which is worth about 1,93,000/-. He would further submit that there are no previous cases against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 (15) days from the date on which the copy of the order is made ready, before **the Judicial Magistrate No.I, Thiruvallur**, 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 two weeks and thereafter every Monday at 10.30 am., 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.

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-
13/10/2020

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,
NO.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE DEPUTY SUPERINTENDENT OF POLICE,
(CSCID) THIRUVALLUR POLICE STATION,
CHENNAI.

4 THE INSPECTOR OF POLICE
CSCID, CHENNAI, THIRUVALLUR.

+1 CC to M/S.V.R.KARTHIKEYAN Advocate on payment of
necessary charges SR.NO.6825

CRL OP.14908/2020

Date :13/10/2020

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