

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.14932 of 2020

Krishnan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
CSCID Police Station,
Pollachi, Coimbatore District.
Crime No.172 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
to enlarge the petitioner on bail in the event of his arrest by the
respondent police concerned in Crime No.172 of 2020 on the file of
the respondent.

For Petitioner : M/s.M.N.Balakrishnan

For Respondent : Mr. M.Mohmed 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 offences punishable under Sections
3(1) (c), 6 of LPG (RSD) order 2000 r/w Section 7(1), a(11) of
Essential Commodities Act, 1955 in Crime No.172 of 2020, seeks
anticipatory bail.

2. The case of the prosecution is that the petitioner had
illegally transported 6 nos. of gas cylinder in his Maruti Van.
Hence, the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is innocent person and he has been falsely implicated in
this case. He further submitted that the petitioner has not
committed any offence as alleged by the prosecution. Hence, he prays
for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that
the petitioner had illegally transported six nos of gas cylinder and
there is no previous case as against him. However, he opposed for the
grant of anticipatory bail to the petitioner.

5. Taking into consideration the fact and circumstances of the case, 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 after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court - VII, Coimbatore, 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 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/s, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

23/09/2020

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.VII, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

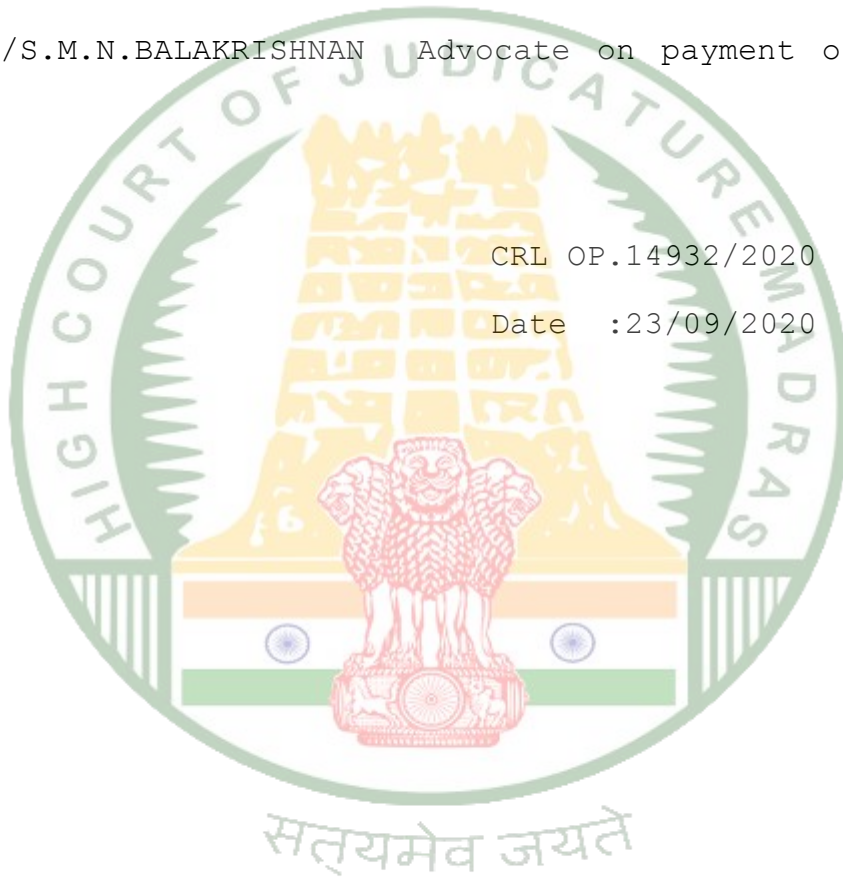
3 INSPECTOR OF POLICE,
CSCID POLICE STATION,
POLLACHI, COIMBATORE DISTRICT.

CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary
charges

CRL OP.14932/2020

Date :23/09/2020

RVR 30/09/2020



WEB COPY