

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14977 of 2020

1.P.Jayapal
2.J.Yamuna

... Petitioners

Vs.

State: Represented by,
The Deputy Superintendent of Police,
CS CID-Chennai,
Tiruppur Police Station,
Tiruppur District.
Crime No.129 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
to enlarge the petitioners on bail in the event of their arrest by
the respondent or on their surrender before the concerned Judicial
Court in Crime No.129 of 2020 on the file of the respondent.

For Petitioners : Mr.P.John Sathyan

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Section 2(e) (IV)
of Motor Spirit and High Speed Diesel (Regulation of Supply &
Distribution & Prevention of Malpractices) Order 1998, under Section
7(1) (a) (ii) of Essential Commodities Act and under Section 285 of
IPC, of IPC, in Crime No.129 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were
illegally found in possession of 30,000 litres of Bio-Diesel without
licence. Hence the complaint.

3. The learned counsel for the petitioners would submit that the
first petitioner started a business of "bio-diesel retail outlet
station", and they had applied for necessary licence and the
authorities have delayed in granting the licence. Thereafter, the
petitioners also approached this Court by filing the Writ Petition,

seeking for Writ of Mandamus. Only after filing of the Writ Petition, the respondent has filed the case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were illegally found in possession of 30,000 litres of Bio-Diesel without license. Hence, he opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners would submit on instructions that taking into consideration of the Covid pandemic situation, the petitioners without prejudice to his defence, are prepared to make considerable donation to any charitable Organization or Association,.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

(a) Each of the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to the Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c.No.117201000000070, IFSC Code. No.IOBA0001172 within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioners are directed to be released on bail in the event of their arrest or their appearance and on production of proof of deposit of the above amount and on further condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for the likesum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioners shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular organization.

[b] the petitioners 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.

[c] the petitioners shall report before the respondent police every Monday and Friday at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

6. With the above directions, the criminal original petition is ordered.

-sd/-
24/09/2020

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.II, TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
CS CID-CHENNAI,
THIRUPPUR POLICE STATION,
THIRUPPUR DISTRICT.

4 THE CHIEF MINISTER'S PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK,
SECRETARIAT BRANCH, CHENNAI
SB.A/C.NO.117201000000070,
IFSC CODE. NO.IOBA0001172

+1 CC to M/S.P.JOHN SATHYAN Advocate on payment of necessary charges SR.No.6460

CRL OP.14977/2020

Date :24/09/2020