

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 18235 of 2020

M.Pandiyan

... Petitioner/Accused

Vs.

The State represented by, ... Respondent/Complainant

The Inspector of Police,
CSCID Salem Police Station,
Chennai.

[Crime No. 67 of 2019]

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No.67 of 2019, on the file of the respondent police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 4(1)(a) of Liquefied Petroleum Gas(Regulation of supply and Distribution) Order 2000 and 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.67 of 2019, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution is that the petitioner was found in filling domestic gas cylinder illegally without any license. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that he has

only stored the gas cylinder on the instruction of one of the license dealer, whereas, a false case has been foisted against them. He would submit that the petitioner has no previous case and the co-accused was granted anticipatory bail in CrI.O.P.No.28223 of 2019 on 23.09.2020. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose stating that the petitioner was found in filling domestic gas cylinder illegally without any license. He would further submit that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsel and the fact that the co-accused was granted anticipatory bail by this Court in CrI.O.P.No.28223 of 2019 on 23.09.2020, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Salem, 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 the 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.

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

-sd/-
20/11/2020

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, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID SALEM POLICE STATION,
CHENNAI.

CC to M/S. J.FRANKLIN Advocate on payment of necessary charges

CRL OP.18235/2020

Date :20/11/2020

TA-02/12/2020

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