



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.12128 of 2020

Karthick @ Karthikeyan

... Petitioner/Accused
(Rank not Known)

Vs

State rep.by,
The Deputy Superintendent Of Police,
Tirunelveli Police Station,
CSCID,Madurai District.
Crime No.160 of 2020.

... Respondent/Complainant

For Petitioner : M/s.D.Srinivasaragavan,
Advocate.

For Respondent : R.Erottuchamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

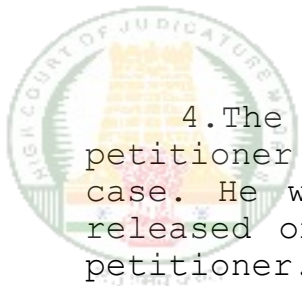
For an Anticipatory Bail in Crime No. 160 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 2(e)(vi), 2(e)(vii) of Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998 r/w Section 7(1) (a)(ii) of the Essential Commodities Act, 1955 in Crime No.160 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioner and other accused were illegally transported 9000 liters of bio-diesel by using lorry. Hence, the complaint.



4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that A1 in this case was arrested and released on bail and hence, he prays for anticipatory bail to the petitioner.

WEB COPY

5.The learned Government Advocate(Crl.Side) submitted that the investigation is pending.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that co-accused in this case was released on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner subject to the condition that the petitioner shall deposit a sum of Rs.10,000/-(Rupees Ten Thousand Only) to the credit of 'Chief Justice Relief Fund' without prejudice to his rights and contention before the trial Court.

7.On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tirunvleli on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two blood related sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 period of three weeks 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]***; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/11/2020

/ TRUE COPY /

WEB COPY

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO.II
TIRUNELVELI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
- 3.THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUNELVELI POLICE STATION, CSCID,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO: THE SECTION OFFICER, ACCOUNTS SECTION,
(CHIEF JUSTICE RELIEF FUND)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SRINIVASARAGAVAN Advocate SR.No.7242

ORDER
IN
CRL OP(MD) No.12128 of 2020
Date :02/11/2020

GNS
PK/AKM/SAR-IV/04.11.2020 : 3P/7C