

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4327 of 2021

Inbaraj

... Petitioner

-Vs-

State by

The Inspector of Police,

CSCID,

Tiruppur,

(Crime No.6 of 2021)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.6 of 2021 is pending on the file of the respondent police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.S.Karthikeyan
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 alleged offences under Sections 17 of TN Kerosene (Registration of Trade) Order 1973 r/w Section 7(1) (a)(II) Essential Commodities Act, 1955, in Crime No.6 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that on 13.01.2021, the respondent police petrol duty found that the petitioner was in illegal possession of 600 litres of Kerosene in his premises without proper license. There are totally three accused persons involved in this case and the petitioner is arrayed as A3, based on the confession of co-accused, he was implicated in this case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that based on the confession of co-accused, he was implicated in this case and the petitioner's name is not found in the FIR. He would further submit that co-accused already been arrested and thereafter they were released on bail, hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner was in illegal possession of 600 litres of Kerosene. He would further submit that the petitioner is a habitual offender and also having 4 previous cases out of which two cases, he was arrested and released on bail once again, he committed the same offence. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, that the petitioner's name is not found in the FIR and based on the confession of co-accused, he was implicated in this case and co-accused had already been released on bail, 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 from the date on which the order copy made ready, before the learned Judicial Magistrate No-II, Tiruppur, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
17/03/2021

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 CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID, TIRUPPUR.

+1CC to M/S.J.FRANKLIN Advocate on payment of necessary
charges SR NO.3608

CRL OP.4327/2021

Date :17/03/2021

MK:24/03/2021