

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4325 of 2021

1 BALAJI
2 PETCHIMUTHU

[PETITIONER/ACCUSED-2 & 3]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CSCID, TIRUPPUR
(CRIME.NO.20/2021)

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.J.FRANKLIN Advocate

For Respondent : M/S.S.KARTHIKEYAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.20 of 2021 on the file of the respondent police for the alleged offence u/s 3(1)(c) of Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2020 and u/s 6(4) TN Scheduled Commodities (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, seek anticipatory bail.

2. I have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and also perused the records carefully.

3. The 1st petitioner is stated to be the son of A1 and the 2nd petitioner is stated to be an employee under A1. The allegation is that during routine raid, on a secret information, when the respondent police searched the shop premises in question, the petitioners were found to have stored 70 KGs of rice meant for Public Distribution System and two domestic LPG cylinders illegally for commercial purposes in their business premises. The case has been registered on a complainant from Special Sub Inspector of Police, CS CID, Tiruppur

Unit.

4. The learned counsel for the petitioners would submit that the petitioners are innocent of alleged offences. When the petitioners had refused to meet out the illegal demands of the department officials, a false complaint was given implicating the petitioners.

5. The learned Additional Public Prosecutor would, however, submit that there is no previous case reported as against the petitioners.

6. Considering the facts and circumstances of the case and also the fact that the petitioners have no bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:-

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Tiruppur, Tiruppur District, on each of them executing 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:

[b] 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 as and when required by the police for interrogation.

[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 have been released on bail by the learned Magistrate himself /Trial Court 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
04/03/2021

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 II,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID, TIRUPPUR.

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

CRL OP.4325/2021

Date :04/03/2021

EP-11/03/2021

WEB COPY