

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4557 of 2021

P.PAKKIR SAHIB

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
LAW AND ORDER,
M3, PUZHAL POLICE STATION,
CHENNAI-66
CRIME NO.59 OF 2021

[RESPONDENT]

For Petitioner : M/s S.BRUNO CRUZ 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 petitioner, who apprehends arrest at the hands of the respondent police in connection with the case in Crime No.59 of 2021 registered for the alleged offence u/s 7(1)(a)(ii) of The Essential Commodities Act 1955 and under Section 497 and 109 of IPC, seeks anticipatory bail.

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

3. The petitioner is arrayed as A1. The petitioner is said to be engaged in selling of Tire Pyrolysis Oil (TPO). The allegation is that the petitioner was dealing in TPO oil without valid license and on a secret information, when the respondent raided the business premisses of the petitioner at Andal Nagar in Puzhal Vegetarian Nagar, about 10000 liters of TPO and equal quantity of chemicals for the purpose of mixing the same in TPO were found stored illegally. Alleging commission of various offences, crime was registered and the petitioner apprehends arrest.

4. The learned counsel for the petitioner submitted that petitioners has imported the TPO through proper channel after paying necessary duties sand taxes. The case has been foisted falsely. The TPO is used for industrial purposes and this commodity will not come under the purview of The Essential Commodities Act or under any Control Orders. The learned counsel further submitted that co-accused had been granted bail and the petitioner is ready to abide any conditions that may be imposed by this court in the event of granting anticipatory bail.

5. The learned Public Prosecutor strongly opposed the petition for anticipatory bail reiterating the allegations in the first information report. He however fairly admitted the fact that the other accused had been arrested and released on bail.

6. It appears that substantial part of the investigation is over with the search and seizure. The petitioner claims to be the importer of TPO. Considering the facts and circumstances of the case and having regard to the nature of the offences alleged and also the fact co-accused had been granted bail by the court concerned, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

[a] 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 of receipt of a copy of this order, before the Judicial Magistrate, Madhavaram, Tiruvallur District, on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioner shall report before the respondent police as and when required by the police for interrogation.

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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

30/03/2021

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,
MADHAVARAM, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
LAW AND ORDER,
M3, PUZHAL POLICE STATION,
CHENNAI-66

CC to S.BRUNO CRUZ Advocate on payment of necessary charges
SR.NO. 4273

CRL OP.4557/2021

Date :30/03/2021

rvr 01/04/2021