

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2021

CORAM:

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.8991 of 2021

Venkatramanan

... Petitioner

Vs.

State Rep. By,
The Inspector of Police
CSCID, Kancheepuram Police Station
and District,
(Crime No.91 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioner on bail in the event of arrest in connection with Crime No.91 of 2021 pending investigation on the file of the respondent Police Station.

For Petitioner : Mr.A.Ramesh

For Respondent : Mr.T. Shunmugarajeswaran
Government Advocate

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 3(1) of LPG (RSD) Order 2000 r/w7(1) a(11) of EC Act -1955 in Crime No.91 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the when the defacto complainant received a confidential information that one accused Venkatramanan without any valid gas licence, he is selling the commercial gas in the same area, when the respondent police was on raid, they found that , the petitioner was found in possession of 47 gas cylinders and the same were seized. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner had not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the respondent police received a confidential information that one accused Venkatramanan without any

valid licence, he is selling the commercial gas in the same area, when the respondent police was on raid, they found that , the petitioner was found in possession of 47 gas cylinders and the same were seized.

5. Taking into consideration the fact that the cylinders were seized by the respondent police, this Court is inclined to grant bail to the petitioner subject to the following 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.1, Kancheepuram** 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 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 Court concerned 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 two 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 petitioners 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/-

12/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.1, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID,
KANCHEEPURAM POLICE STATION,
DISTRICT.

CC to M/S.A.RAMESH Advocate on payment of necessary charges

CRL OP.8991/2021

Date :12/05/2021

TA-02/07/2021



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