



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Seventeenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14269 of 2021

VENKATESAN @ VENKATESH SETTU

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

STATE THE DEPUTY SUPERINTENDENT OF POLICE,
CSCID COIMBATORE SUB DIVISION,
CAMP AT CSCID SALEM.
IN CRIME NO.113/2021.

For Petitioner : M/S.M.MOHAMED RIYAZ Advocate

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)

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 for the alleged offence punishable under Sections 3(4) of the Motor Spirit and High Speed Diesel (Regulation of Supply Distribution and Prevention of Malpractices) Order, 2005 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.113 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was illegally transporting 1200 litres of adulterated diesel by using Tata Benz Tipper Lorry and one iron barrel containing 150 litres of adulterated diesel without obtaining proper licence. Hence, the case was registered against the petitioner on the complaint made by the defacto complainant.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that a person does not require to obtain a licence as provided under Section 7 of the Petroleum Act, 1934 for storing or transporting any Class B petroleum up to 2500 liters. However, on instructions he further submits that without prejudice to his defence and contentions, the petitioner on his own volition is willing to contribute a sum of Rs.20,000/-for the purpose of improving and maintaining the Government Schools. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) opposed the grant of anticipatory bail by stating that the petitioner was illegally transporting 1200 literes of adulterated diesel by using Tata Benz Tipper Lorry and one iron barrel containing 150 litres of adulterated diesel without obtaining proper licence. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner has willfully and on his own volition agreed to pay contribute a sum of Rs.20,000/- for charitable purpose, 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.2, Salem 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 shall make a non-refundable deposit of Rs.20,000/- to the credit of " The Chief Educational Officer, Salem District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner ;

(b) 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;

(c) 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.

(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 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



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

6. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done for the improvement/rehabilitation of the schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-
17/08/2021

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.2, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 STATE THE DEPUTY SUPERINTENDENT OF POLICE,
CSCID COIMBATORE SUB DIVISION,
CAMP AT CSCID SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATIONAL OFFICER
SALEM DISTRICT

+1 CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary charges SR.NO. 8637

CRL OP.14269/2021

Date :17/08/2021

JPA 27/08/2021