



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16673 of 2021

1 ELAMURUGAN

[PETITIONER / ACCUSED]

2 KAMARAJ

Vs

THE STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

CSCID, NAMAKKAL POLICE STATION

CR.NO.87 OF 2021.

For Petitioner : M/S.S.SHEIK ISMAIL Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 3(4) of Motor Spirit and High-Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order 2005 and Section 7(1)(a)(ii) of Essential Commodities Act 2005 in Cr.No.87 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons have illegally stored 430 Litres of Adulterated Diesel of worth Rs.30,400/-. On receipt of the secret information, the Respondent Police went to Jayam Auto Diesel works(lorry Pattarai) and examined the Pattarai and secured 430 Litres of Adulterated Diesel stored without proper safety measures. Based on the confession made by the other accused persons, the case was lodged against the above petitioners. Hence, the respondent police registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and the petitioner A1 is the owner of the Jayam auto Diesel works and A4 is the part time worker in the said pattarai. He



further submitted that the petitioners were not aware that the usage of the Oil-Mixed Diesel is offence under the Essential Commodities. However, on instructions, he further submitted that the petitioners, on their own volition without prejudice to their rights, is ready to deposit a sum of Rs.50,000/- in favour of The Chief Educational Officer, Namakkal for the rehabilitation and maintenance of basic needs in the Government Schools. Hence, the learned counsel appearing for the petitioners prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the petitioners along with other accused persons have illegally stored 430 Litres of Adulterated Diesel without any valid permit and without following the safety measures. Hence, he opposed to grant anticipatory bail to the petitioners

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned Counsel on both sides, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are 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.II, Namakkal, on condition that the petitioner shall execute 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 and on further condition that:

(a) the petitioners 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 petitioners is directed to deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) as non-refundable deposit either through demand draft in favour of the Chief Educational Officer, Namakkal for the rehabilitation and maintenance of basic needs in the Government Schools, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(c) the petitioners 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;

(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;

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(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 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;

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

-sd/-

13/09/2021

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, NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CSCID, NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATIONAL OFFICER
NAMAKKAL DISTRICT

CC to M/S.S.SHEIK ISMAIL Advocate on payment of necessary charges

CRL OP.16673/2021

Date :13/09/2021

APN 21/09/2021