



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.21260 of 2021

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R.Balasubramiyan @ Balu @ Balasubramani

... Petitioner

Vs.

State of Tamil Nadu
Rep. by The Inspector of Police,
Civil Supplies CID,
Namakkal Unit, Namakkal.
Cr.No.106 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.106 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.A.Mariappan

For Respondent : Mr.N.S.Suganthan
Government Advocate(Crl. Side)

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 3 of Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998 and under Section 7(1) (a) (ii) of Essential Commodities Act, 1955, in Crime No.106 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with A1 transported adulterated diesel in the vehicle belongs to the petitioner and during regular vehicle check, the respondent police found 3000 litres of adulterated diesel. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and the respondent has lodged a false complaint against him. However, on instructions, the learned counsel further submitted



that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.25,000/- to the credit of the Adyar Cancer Institute, Chennai, that may be imposed by this Court. He prays for grant of anticipatory bail to the petitioner.

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4. Learned Government Advocate (Crl.side) appearing for the respondent submitted that the petitioner has transported adulterated diesel worth about Rs.2,66,400/-. He further submitted that there is no previous case pending against the petitioner.

5. Considering the facts and circumstances of the case and taking note of the fact that there is no specific overt act as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner on certain 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.2, Namakkal, 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 is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Adyar Cancer Institute, Chennai, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate / Trial Court 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 every Saturday for a period of two weeks and thereafter as and when required 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 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/-

17/11/2021

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

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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
CIVIL SUPPLIES CID, NAMAKKAL UNIT,
NAMAKKAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
ADYAR CANCER INSTITUTE, CHENNAI

CC to M/S.K.A.MARIAPPAN Advocate on payment of necessary charges Sr.12902

CRL OP.21260/2021

Date :17/11/2021

RVR 19/11/2021