



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25875 of 2021

S.Velusamy

...Petitioner

Versus

The Inspector of Police,
CSCID, Namakkal,
Namakkal District.
(Crime No.132 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.132 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.A.Mariappan

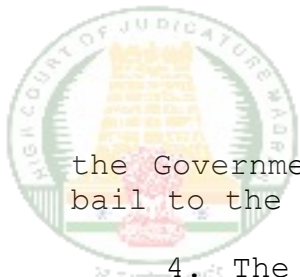
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 3 (4) of Motor Spirit & High Speed Diesel (Regulation of Supply & Distribution & Prevention of Malpractices) Order 2005 and Sec 7(1) (a)(ii) of Essential Commodities Act, 1955, in Crime No.132 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused person had illegally transported 10,000 litres of adulterated diesel in a vehicle belongs to the petitioner. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. 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.1,00,000/- for the purpose of improving and maintaining



the Government Schools. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is no previous case pending against the petitioner and the investigation is almost completed.. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioner with 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the **learned Judicial Magistrate Court 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall make a non-refundable deposit of **Rs.1,00,000/- (Rupees One Lakh only)** to the **credit of the Chief Educational Officer, Namakkal District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement**, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner is directed to report before the respondent police on every Wednesday at 10.30 a.m., until further orders. .



[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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred for the improvement/rehabilitation of the Schools in the District before the Commissioner of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

10/01/2022

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,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE CHIEF EDUCATIONAL OFFICER,
NAMAKKAL DISTRICT.

+1 CC to M/S K.A.MARIAPPAN Advocate on payment of necessary
charges SR.NO.448

CRL OP.25875/2021

Date :10/01/2022

TA-21/01/2022