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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15296 of 2021

Devaraj ... Petitioner/Sole Accused

Vs

State rep. by
The Inspector of Police,
C.S.C.I.D Karur Police Station,
Karur District.
(Crime No.90 of 2021).

... Respondent/Complainant

For Petitioner : M/s.R.Murali, Advocate
for M/s.S.Premkumar, Advocate

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

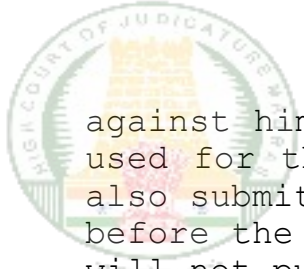
For Anticipatory bail in Crime No.90 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 3 of Motor Spirit and High Speed Diesel order r/w Section 7(1) (a) (ii) of Essential Commodities Act, 1955, in Crime No.90 of 2021, seeks anticipatory bail.

2.The prosecution case is that the petitioner has illegally purchased and sold the Bio-Diesel in the open market. Hence, the complaint.

3.Learned Counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution, but, a false case has been foisted as



against him. He would further submit that the Bio-diesel cannot be used for the vehicle and it is only used for local consumption and also submitted that the he is ready to file an undertaking affidavit before the respondent police as well the trial Court stating that he will not purchase or sale the Bio-diesel in future.

4.Learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner has illegally purchased and sold the Bio-disel in the open market and hence, the case was registered. He further submitted that the petitioner has no previous case pending against him.

5.Considering the facts and circumstances of the case and nature of allegation levelled as against this petitioner and his willingness to file an undertaking affidavit that he would not indulge in such offence, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed. The petitioner is ordered to be released on bail in the event of arrest or on their 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, Karur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c] The petitioner is directed to file an undertaking affidavit stating that he will not indulge this kind of offence in future before the trial Court as well as before the respondent police.

[d]the petitioner shall not tamper with the 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 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]**.



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

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Sd/-
27/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KARUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
3. THE INSPECTOR OF POLICE,
C.S.C.I.D KARUR POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15296 of 2021
Date :27/10/2021