



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18403 of 2021

G.Rajkannan

... Petitioner/2nd Accused

Vs

The State rep.by,
The Inspector of Police,
C.S.C.I.D, Karur District.
(Crime No.108 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.MP.Amalan,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SEC.438 OF CR.P.C

PRAYER :-For Anticipatory Bail in Crime No.108 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3 (4) of Motor Spirit & High Speed Diesel (Regulation of Supply & Distribution & Prevention of Malpractices) Order, 2005 and Section 7 (1)(a)(ii) of Essential Commodities Act, 1955, in Cr.No.108 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on getting secret information of selling adulterated diesel like fuel from one tanker lorry to other tanker lorries at Kakkaliyur Village, on 16.10.2021 the *defacto* complainant and his party had conducted search in the Tanker Lorries bearing registration Nos.TN 52 A 9992 and TN 88 H 1135, owned by the first and third accused. The third accused and the second accused, who is the driver, used to purchase adulterated diesel from the fourth accused, to cut down the fuel cost. After filling up the adulterated diesel for their vehicles, they used to



days prior to the occurrence, the accused had filled up 10,000/- litres of adulterated diesel in each tanker lorries, after selling the same, totally 7,000 litres of diesel were remaining in the two tanker lorries. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that the petitioner is the owner of several transportation lorries and that the co-accused was already released on bail. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is not yet completed and that the co-accused was already released on bail.

5. Admittedly, the petitioner is the owner of the tanker lorry bearing registration No. TN 52 A 9992. Considering the nature of charges levelled against the petitioner and also the facts that the properties have already been recovered and that the first accused was arrested and released on bail by the jurisdictional Magistrate, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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. I, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate 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;

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

sd/-

29/11/2021

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

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 DISTRICT.
- 3 THE INSPECTOR OF POLICE
C.S.C.I.D, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.18403 of 2021

Date :29/11/2021

PNM

MK/CN/SAR.II/07.12.2021/3P/5C