



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.13186 of 2022

GOKULAKRISHNAN.K

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
CHENNAI-600081.
(CR.NO.122 OF 2022)

[RESPONDENT]

For Petitioner : M/S.S.SURESH Advocate

For Respondent : MR.S.UDAYAKUMAR, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 3(6) of the Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution & Prevention of Malpractices) Order 1998, and section 7 (1) (a) (ii) of Essential Commodities Act, 1955 and Section 285 of Indian Penal Code in Crime No.122 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 16.04.2022, the petitioner was transported 600 litres of illicit diesel using TATA GOLD plus Van bearing No.TN 19 BW 0698. Hence the complaint.

3. The learned counsel for the petitioner submits that the petitioner has nothing to do with the illicit diesel seized by the respondent police on 16.04.2022.



4. The petitioner herein is the owner of the lorry which was seized for 600 litres of diesel diverted illegally. The driver who transported the vehicle already released on bail. Hoping that this as the change of circumstance, the second anticipatory bail petition is moved by the petitioner who is the owner of the vehicle. Considering the said fact, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned VI Metropolitan Magistrate, Egmore on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner 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;

(c) the petitioner shall report before the investigating officer 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.

WEB COPY

-sd/-

08/06/2022

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 VI METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CSCID, POLICE STATION,
CHENNAI-600 081.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.SURESH Advocate on payment of necessary charges
SR.No.8760

CRL OP.13186/2022

Date :08/06/2022

CSK 15/06/2022