



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12781 of 2022

1 GOWTHAM [PETITIONERS / ACCUSED]
2 SELVARAJ @ RAJA

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
SALEM.
CR.NO.69 OF 2022.

For Petitioner : M/S.S.SENTHILVEL Advocate

For Respondent : MR.V.MEGHANATHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 3(4) of Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 2005 and Section 7(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No. 35 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 25.04.2022 when the Inspector of Police, Salem CSCID made a surprise visit to Chithambaram Thottam, he found that the petitioners and other accused were involved in mixing of diesel with crude oil. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the first petitioner is the owner and the fourth petitioner is the cleaner of the Lorry and they have no involvement in the said occurrence. However, they have been arrayed as accused in this case.



4. The learned Government Advocate (Criminal Side) submitted that the petitioners and other accused were caught red handed while they were mixing diesel with crude oil. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the first petitioner/A1 is directed to pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the **ALL THE CHILDREN TRUST, No.22 Ramalingapuram, Sri Kannapiran Mill Opposite, Sowripalayam Road, Coimbatore, Tamil Nadu 641028 (Contact Person : Ms.Sivaranjani, Cell Nos. 9551799919; 9003298704)**, and on production of receipt from the said Trust, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Salem on condition that the petitioners 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 petitioners 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 first petitioner/A1 shall pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) in favour of ALL THE CHILDREN TRUST, No. 22 Ramalingapuram, Sri Kannapiran Mill Opposite, Sowripalayam Road, Coimbatore, Tamil Nadu 641028.**

[c] the the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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 petitioners 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]*; and;



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

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-sd/-
27/05/2022

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, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
SALEM.

5 THE ALL THE CHILDREN TRUST,
NO. 22 RAMALINGAPURAM,
SRI KANNAPIRAN MILL OPPOSITE,
SOWRIPALAYAM ROAD, COIMBATORE,
TAMIL NADU 641028.

+1 CC to M/S.S.SENTHILVEL Advocate on payment of necessary
charges SR.NO.8154

CRL OP.12781/2022

Date :27/05/2022

TA-01/06/2022