



Crl.OP.No.26605 of 2022

A.D.JAGADISH CHANDIRA, J.

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The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3(4)(5) and(6) of the Motor Spirit and High-Speed Diesel (Regulation Supply, Distribution and Prevention of Malpractices) Order 2005 r/w 7(1)(a)(ii) of Essential Commodities Act 1955 in Crime No.171 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Kaliyamoorthi, Village Administrative Officer, Veeraganur North, Thalaivasal Taluk, Salem District is that he has received information that the petitioner was selling adulterated petrol in ESSAR Petrol Bunk and on enquiry, the respondent came to know that the accused/petitioner was running a petrol bunk without proper license. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the son of one K.M.Mani, his father was granted license to run a petrol bunk. After the death of his father, the petitioner was taking steps to



renew the license and he had not sold any diesel or petrol in his petrol bunk.

However, the case has been registered based on suspicion. He would further submit that the petitioner has no bad antecedents. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner without renewing the license was selling adulterated diesel in his petrol bunk. He further submit that the petrol bunk is sealed as on today. However, he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard the submissions made by both counsel and perused the materials available on record including the FIR.

6. Taking into consideration the facts and the submissions, this Court is inclined to grant anticipatory bail with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the



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date on which the order copy made ready, before the *learned Judicial Magistrate-II, Salem* 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 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 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 every day at 10.30 a.m., until further orders.**

[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.



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[e] 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]**.

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

03.11.2022

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