



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.12061 of 2022

WEB COPY

Manikandan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Deputy Superintendent Of Police,
CSCID, Karur District.
(Crime No.82 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Nagarajan V, Advocate

For Respondent : Mr.M.Muthumanikkam,

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.82 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 2(e)(vi)(vii) of Motor Spirit and High Speed Diesel (Regulation of Supply & Distribution & Prevention of Malpractices) Order 2005, Section 7(1)(a)(ii) of EC Act, 1955, in Crime No.82 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 29.06.2022 at 16.00hours, the respondent Police conducted search and they found 1000 liters of adulterated diesel kept in the vehicle bearing registration No.TN 57 T 2449 Tanker Lorry, which was drove by the first accused and the same was owned by the second accused. Hence, the complaint.

3.On the side of the petitioner, it is stated that a false case was foisted against the petitioner. Based on the confession of A1, this petitioner, who is the owner of the vehicle was impleaded in this case. It is not an adulterated diesel. There is no permit required to carry base oil. Hence, prayed to release the petitioner on anticipatory bail.

4.On the side of prosecution, it is stated that the accused persons were found in possession of adulterated diesel and the same was sent for chemical examination and hence, prayed to dismiss the petition. However, the petitioner is not having any bad antecedent.



5. Considering the nature of the offence and considering the facts and circumstances of this case and that the petitioner is not having any bad antecedent, this Court is inclined to grant anticipatory bail to the petitioner.

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.10,000/- (Rupees Ten 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 two weeks 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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]**; and;

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

sd/-
13/09/2022

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/09/2022

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

PNM

<https://www.mhc.tn.gov.in/judis>



TO

1. THE JUDICIAL MAGISTRATE NO. I, KARUR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
CSCID, KARUR DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. NAGARAJAN V Advocate SR.No.9936

ORDER

IN

CRL OP(MD) No.12061 of 2022

Date : 13/09/2022

RK/SVR/SAR-II (20/09/2022) 3P/6C