



Crl.O.P.No.15135 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 3 of Motor Spirit & High Speed Diesel (Regulation of Supply & Distribution & Prevention of Malpractices) Act, 1988 r/w Section 7 (i) (a) (ii) of Essential Commodities Act, 1955, in Crime No.73 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioner that petitioner is an innocent and he has been falsely implicated in this case. He further submitted that the first accused was arrested and released on bail. Thus, he prays for anticipatory bail for the petitioner.

3.In response, the learned Government Advocate (Crl.side) submitted that on 20.06.2023, at about 3 a.m., when the respondent police was in their routine vehicle check up, they found a vehicle bearing registration No.TN 31 G 0535 under suspicious circumstances. On stopping and searching the vehicle, it was found that the vehicle was



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containing 1800 litres of PDS diesel issued at subsidised rate for the use of Fisherman in 12 plastic cans. Accordingly, the case was registered and the vehicle and diesel had been recovered.

4.Considering the fact that the vehicle and diesel had been recovered and the co-accused had been released on bail, this Court is of the view that custodial interrogation of the petitioner is not necessary. Petitioner is directed to make a non-refundable deposit of **Rs.50,000/- (Rupees Fifty Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of **The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 date on which the order copy made ready, before **the learned Judicial Magistrate No.I, Villupuram**, on condition that the petitioner shall execute a bond for a



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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 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 everyday 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.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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.

17.07.2023

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