



Crl.O.P.No.27388 of 2023

Crl.O.P.No.27388 of 2023

WEB COPY

C.V.KARTHIKEYAN, J.

The Petitioners herein seek anticipatory bail in Crime No.70 of 2023 registered by the Respondent Police for the offences under Section 3(vi) of Motor Sprit & High Speed Diesel (Regulation of Supply & Distribution & Prevention of Malpractices) order MSHSD(PMSD) 1998 read with Section 7(1)(a)(ii) of Essential Commodities Act, 1955.

2. The learned Government Advocate (Criminal Side) stated that the Respondent found the car bearing registration No.TN-19-L-7479 and two other vehicles, loaded with diesel. The Accused had left the vehicle and had run away from the spot. It was found that the Respondent had recovered 2000 litres of diesel and the vehicles had also been seized. The Accused 1 and 2 had been arrested and had been subsequently released on bail. These Petitioners/A3 and A4 are however evading arrest. Hence, he prays for dismissal of the petition.

3. The learned counsel for the Petitioners stated that the Petitioners have never indulged in any illegal transportation of diesel as alleged by the



Crl.O.P.No.27388 of 2023

prosecution. He also stated that the Petitioners have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the Petitioners.

4. The earlier anticipatory bail application came up for consideration and was dismissed on 10.11.2023 in Crl.O.P.No.25795 of 2023. The learned counsel for the Petitioners stated that the entire diesel had been recovered by the Respondent.

5. In order to facilitate the investigation to proceed further, this Court is inclined to grant anticipatory bail to the Petitioners with certain conditions. Accordingly, 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 Judicial Magistrate – I at Chengalpattu**, on condition that the petitioners shall execute a separate 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:



Crl.O.P.No.27388 of 2023

WEB COPY

[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 petitioners shall report before the Respondent Police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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]**.



Crl.O.P.No.27388 of 2023

WEB COPY

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

14.12.2023

mkn2



WEB COPY



Crl.O.P.No.27388 of 2023

C.V.KARTHIKEYAN, J.

mkn2

Crl.O.P.No.27388 of 2023

14.12.2023