



Crl.O.P.No.5971 of 2024

Crl.O.P.No.5971 of 2024

WEB COPY

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 3 & 7 of Essential Commodities Act of 1955 and Section 3 of Motor Spirit and High Speed diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order 1998, in Crime No.37 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was found illegally transported 600 liters diesel in 3 cans each containing 200 liters without any valid license. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that he is ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.5971 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused was found illegally transported 600 liters of diesel without any valid permission. He further submits that the petitioner has no previous case pending against him. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate No.II, Nagapattinam*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, for a like sum to the satisfaction of the respondent police or the



CrI.O.P.No.5971 of 2024

police officer who intends to arrest or to the satisfaction of the learned

Magistrate concerned and on further condition that:

(a)the petitioner is directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of the **Advocate Clerk Association, Nagapattinam** within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m, for a period of eight weeks;

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



WEB COPY



Crl.O.P.No.5971 of 2024

T.V.THAMILSELVI, J.

drl

[e] the petitioner 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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;

04.04.2024

drl

Crl.O.P.No.5971 of 2024