



CRL OP(MD). No.21767 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21767 of 2024

1. Balaji

2. Gobi @ Gopinath

... Petitioners/ Accused

Vs

The State of Tamil Nadu,
Rep. by the Deputy Superintendent of Police,
CSCID Investigation,
Madurai Range,
Madurai District.
Crime No. 326 of 2024

... Respondent/Complainant

For Petitioner : Mr.Shanmugam K, Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 326 of 2024 on the file of the respondent

Police

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



CRL OP(MD). No.21767 of 2024

ORDER: The Court made the following order :-

WEB COPY

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 2(d)(e)(v)(vi)(vii) of Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order 1998, r/w Section 7(i)(a)(ii) of Essential Commodities Act, 1955 in Crime No.326 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons had illegally transported 38,400 litres of biodiesel in two tanker lorries and one mini lorry and they attempted to store the same at Madurai and transport it to Thoothukudi to sell it to the fishermen at higher rates to be used for their motor boats. There are totally eight accused persons in this case and the petitioners have been arrayed as A1 and A2. The further allegation is that the registration number in the lorry was also found to be a fake number.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent police.

4. Taking into consideration the facts and circumstances of the case and considering the fact that A3 to A6 and A8 were arrested and released on bail and the entire biodiesel has been seized along with the vehicles and taking note of the fact that there are no previous cases pending against the petitioners, this Court is inclined



CRL OP(MD). No.21767 of 2024

WEB COPY

to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is ordered and the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

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

[e] the petitioners shall not abscond either during investigation or trial;

[f] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



CRL OP(MD). No.21767 of 2024

WEB COPY

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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-
16/12/2024

/ TRUE COPY /

/01/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR
TO

1 THE JUDICIAL MAGISTRATE NO.III
MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
CSCID INVESTIGATION,
MADURAI RANGE,
MADURAI DISTRICT.

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

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



CRL OP(MD). No.21767 of 2024

+1 CC to M/s.K.SHANMUGAM, Advocate (SR-15633[I] dated 18/12/2024)

ORDER
IN
CRL OP(MD) No.21767 of 2024
Date :16/12/2024

SA/SKN/SAR. /03.01.2025/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.