



CRL.O.P.(MD)No.9013 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.05.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL.O.P.(MD)No.9013 of 2025

Davidraj @ Devid

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu,
Rep. By the Inspector of Police,
Tirunelveli police station,
CSCID Unit,
Madurai,
Tirunelveli District.
Crime No.42 of 2025.

... Respondent/ Complainant

Prayer: Criminal original petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of his arrest in Crime No.42 of 2025 on the file of the respondent.

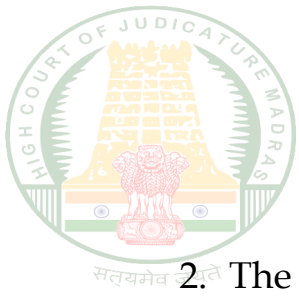
For Petitioner : Mr.C.Susikumar

For Respondent : Mr.P.Kottai Chamy,
Government Advocate(Crl. Side).

* * *

ORDER

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under section 17 of Tamil Nadu Kerosene (Regulation of Trade) Order 1973 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.42 of 2025 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the accused Nos.3 and 4 illegally transported 2000 liters of Kerosene in 63 cans in Mahindra Bolero Maxi Truck bearing registration No.TN 75-U-4772. The vehicle was seized along with Kerosene. Hence, the case has been registered.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. The Kerosene was seized from the accused 3 and 4 and not from the petitioner. The alleged offence is not made out against the petitioner. He would further submit that the petitioner will never abscond and will not tamper the witnesses and also ready to abide by any condition imposed by this Court and hence, he seeks to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl side) would submit that the first accused was released on anticipatory bail.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the co-accused was earlier released on anticipatory bail, 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 days from the date on which



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the order copy made ready, before the learned Judicial Magistrate No.II, Tirunelveli,
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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 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 make a non refundable deposit of Rs.15,000/- (Rupees
Fifteen Thousand only) to the credit of the District Siddha Medical Officer, CCRI,
Periyakulam in State Bank of India, Periyakulam Branch bearing Account
No.10767823177, IFSC No.SBIN000898, MICR Code No.625002601 and on such
deposit being made, the learned Judicial Magistrate shall accept the sureties
furnished by the petitioner;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m
for a period of 30 days and thereafter, as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during
investigation or trial;



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(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 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

sd/-

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

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TO

- 1 THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE, TIRUNELVELI POLICE STATION, CSCID UNIT, MADURAI, TIRUNELVELI DISTRICT
- 4 THE OFFICER INCHARGE, DISTRICT SIDDHA MEDICAL OFFICER, CCRI, PERIYAKULAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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WEB COPY +1 CC to M/s.C.SUSI KUMAR, Advocate (SR-5644[I] dated 22/05/2025)

ORDER
IN
CRL OP(MD) No.9013 of 2025
Date :21/05/2025

NBF/29.05.2025 5P/7C

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