



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Twenty Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9294 of 2022

DHANASEKARAN

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
CSCID CHENNAI NORTH POLICE STATION,  
CHENNAI.  
(CRIME NO.123/2022)

For Petitioner : M/S R.SASIKUMAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate ( Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner herein apprehending arrest for an offences under Sections 3(6) Motor spirit and high speed diesel (Regulation of Supply, Distribution and Prevention of Malpractices) order 2005 r/w Section 7(i) (a)(ii) of Essential Commodities Act 1955) in Crime No.123 of 2022 alleging that he instructed one Saravana Kumar to transport adulterated diesel from Coimbatore to Chennai in his tanker lorry viz., Ashok Leyland Tanker Lorry bearing Regn.No. TN-68-Q-1793 is before this Court seeking anticipatory bail.

2. The learned counsel for the petitioner submits that the petitioner has furnished the invoice and pay bill pertaining to the payment/movement of diesel in Tanker Lorry bearing Regn.No.TN-68-Q-1793. He further submits that the diesel is not a adulterated product and it is a lawful product transported from Eritrol Petrochem Pvt Ltd., Edapalayam Redhills, Chennai to his business premises at Pannniyur Koot Road, Nemili Taluk, Ranipet, without proper enquiry, the vehicle was detained and the petitioner was arrayed as one of the accused.



3. The learned Government Advocate (Crl.Side) states that the vehicle carrying 20,000 litres of diesel without any valid pay bill and invoice. The driver of the vehicle who was arrested and confessed that he was carrying adulterated diesel on the instructions of this petitioner and sample has been taken from the seized tanker lorry sent for chemical analysis. Therefore he opposed for granting anticipatory bail to the petitioner.

4. Taking into consideration that though prosecution contends that the diesel seized did not have any valid invoice or pay bill, now the documents are shown to the Court indicating that on 16.04.2022 20,000 litres of diesel were loaded in the lorry bearing registration No. TN-68-Q-1793 supposed to be delivered at Panniyur Koot Road, Nemili Taluk, Ranipet, Tamil Nadu. The invoice also accompanied by E-way bill. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate No.I, Thiruvallur**, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 respondent police daily at 10.30a.m., until further orders;**

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

(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 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

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(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

27/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,  
NO.1, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
CSCID CHENNAI NORTH POLICE STATION,  
CHENNAI.

+1 CC to M/S R.SASIKUMAR Advocate on payment of necessary charges SR.NO.6480

CRL OP.9294/2022

Date :27/04/2022

TA-05/05/2022