



Crl.OP.No.25485 of 2022

WEB COPY **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest for the alleged offences under Sections 3(6) of Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractices) Order, 1998 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.312 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Nagarajan, Deputy Superintendent of Police, Chennai, North Police Station is that when they were on routine inspection, they have intercepted a Eicher Tanker Lorry bearing Regn.No.TN-52-Q-1424, the driver of the said Tanker lorry had attempted to run away from the place and thereafter he was detained on enquiry, he had informed that he was illegally holding 18000 litres of Industrial Oil worth about Rs.17,51,000/- without any valid documents and he has also confessed that he was working as a driver under one Karthikeyan of Siva Sakthi Enterprises and they had intended to sell the oil as bio-diesel to the lorry and bus owners in the nearby area. Hence, the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is a trader involved in the business of dealing with Industrial Oil Fluid (base oil) and he had purchased the industrial oil after paying necessary GST from Golden Drop Lubricants factory at Nalakonda and it was transported with proper e-invoice bills. However, on seeing the police, the driver of the vehicle had abandoned the vehicle and run away, whereas on suspicion, the respondent has registered the case. He would further submit that the oil is supported by proper bills and the petitioner had no bad antecedents. He would further submit that without prejudice to his rights, the petitioner is prepared to deposit a sum of Rs.10,000/- to the Government for any welfare purpose and he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the owner of the contraband and he has purchased the oil with an intention to sell it to lorry and bus owners as bio-diesel. However, he would further submit that bills are genuine and there is no previous case against him. He would vehemently oppose to grant anticipatory bail to the petitioner.



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5. Taking into consideration the facts and the submissions made the and the petitioner is ready and willing to deposit a sum of 10,000/- to the Government for any welfare purpose, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of “**Chief Ministers Relief Fund**” and on such deposit, 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 the order copy made ready, before the **learned Judicial Magistrate-I, Thiruvallur** on condition that the petitioner shall execute a bond for a sum of Rs.25,000 /- (Rupees Twenty Five 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 report before the respondent police every day at 10.30 a.m for a period of four weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

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

[d] the petitioner 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]**.

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

7. With the above directions, this Criminal Original Petition is ordered.

03.11.2022

Vv

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