



Crl.O.P.No.30136 of 2022

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest for the alleged offences punishable under Section 3(6) of Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order 1998 & Section 3(1) of Solvent Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobiles) Order 2000 r/w Section 7(1)a(ii) of Essential Commodities Act, 1955 in Crime No.160 of 2022, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners are the owners of the Godown, situated at Patravakkam Pidari Ponniamman Koil Street, Tiruvallur, in which, on 21.05.2022, A2 and A3 were found in illegally possession of 4000 liter of Black Oil, 2400 liter of LDO Oil, 1100 liter of Petrol, 200 liter of Diesel and 12000 liter of Black Oil. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged. However,



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on instructions, the learned counsel submitted that the petitioners, on their own volition, is ready and willing to contribute a sum of Rs.20,000/- to the credit of the Registered Advocates Clerks Association, Chennai, that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that on 21.05.2022, in the petitioners' Godown, A2 and A3 were found in illegally possession of 4000 liter of Black Oil, 2400 liter of LDO Oil, 1100 liter of Petrol, 200 liter of Diesel and 12000 liter of Black Oil. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned **Judicial Magistrate No-I, Tiruvallur**, on condition that each of the petitioners shall execute separate 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 petitioners are directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** each to the credit of the **Madras High Court Advocate Clerks Welfare Association, Chennai, A/c.No.484077244, Indian Bank, High Court Branch, IFSC No.IDIB000M157**, 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 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;



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[c] the petitioners are directed to report before the respondent police on every Wednesday at 10.30a.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 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]**;

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

15.12.2022

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