



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 10/01/2022
PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)Nos.19813 and 20287 of 2021

G.Manikandan

... Petitioner/Accused No.7
in Crl.OP(MD)No.19813 of 2021

A.Reegan @ Nolasco Reegan

... Petitioner/Accused No.8
in Crl.OP(MD)No.20287 of 2021

Vs.

The State rep. By
The Deputy Superintendent of Police,
Thoothukudi Police Station,
CSCID- Madurai.
(Crime No.151 of 2021)

... Respondent/Complainant
In Both Petitions

For Petitioner : Mr.V.M.JEGADEESH PANDIAN, Advocate
in Crl.OP(MD)No.19813 of 2021

For Petitioner : Mr.R.ANAND, Advocate
in Crl.OP(MD)No.20287 of 2021

For Respondent : Mr.R.M.S.SETHURAMAN, Additional Public Prosecutor
In Both Petitions

PETITIONS FOR ANTICIPATORY BAILS under Sec.438 of Cr.P.C

COMMON PRAYER :-For Anticipatory Bail in Crime No.151 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioners, who are arrayed as A7 and A8 apprehending arrest at the hands of the respondent police for the offences punishable under sections 2(e)(v), 2(e)(vi), 2(e)(vii) of Motor Spirit & High Speed Diesel (Regulation of Supply and Distribution and Prevention of Malpractice) Order, 1998 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.151 of 2021 on the file of the respondent police, seek anticipatory bail respectively.

2.The case of the prosecution is that on 22/11/2021, the accused persons stored 30,000 litres of adulterated oil (oil like
<https://hcservices.ecourts.gov.in/hcservices/>



diesel) and transported the same from one lorry to two other vehicles, which oil causes danger to the engine of the vehicles.

3.Heard both sides

4.The anticipatory bail applications that have been filed by A8 and A6 & A7 came to be dismissed by the learned Principal Sessions Judge, Thoothukudi, in Crl.MP Nos.5888 and 6097 of 2021, on 03/12/2021 and 08/12/2021 respectively, wherein it has been observed that the offences that have been alleged against the accused persons are serious in nature and further observed that whether the oil is adulterated one or not cannot be decided at this and it can be decided only during the course of scientific analysis.

5.The learned counsel appearing for the petitioners would submit that no offence even as per the face value of the FIR is made out against the petitioners/A7 and A8 and only an attempt was made by the petitioners/A7 and A8 to unload and transfer the oil.

6.The learned Additional Public Prosecutor would submit that the petitioners/A7 and A8 are in the habit of transporting the industrial oil illegally and selling the same to the fishermen in and around Thoothukudi. Even as per the allegation made in the FIR, only A8 namely A.Reegan @ Nolasco Reegan is in the habit of selling such adulterated oil in the Port also.

7.But however, the learned counsel appearing for the for A7 namely G.Manikandan has stated that the co-accused namely A1, A2, A4 to A6 have been released on bail by the trial court. But the order copy has not produced before this court. Whatever it may be, as mentioned earlier, the antecedents of the petitioners disentitle them from claiming the discretionary relief of anticipatory bail. Since the petitioners are habitually dealing with and doing such sort of illegal activities, they are not entitled for the discretionary relief of anticipatory bail. On what ground, the co-accused have been released on bail by the trial court is not clear on record. The date of the order is also not mentioned.

8.In view of the above facts, this court is not inclined to enlarge the petitioners on anticipatory bail. Accordingly, these criminal original petitions are **dismissed**.

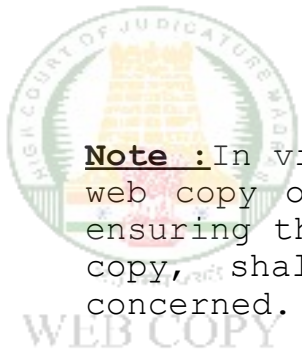
sd/-

10/01/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE DEPUTY SUPERINTENDENT OF POLICE,
THOOTHUKUDI POLICE STATION,
CSCID- MADURAI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

Cr1.OP(MD)Nos.19813 and 20287 of 2021

Date :10/01/2022

SA/SBN/SAR.1/15.02.2022/3P/3C