



CrI.O.P.No.5608 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 3(i) of the Solvent Raffinate and Slop (Acquisition, Sale, Storage and Prevention of Use in Automobile) Order, 2000, Section 3 of the Lubricating Oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987 r/w Section 7(1)(a) of Essential Commodities Act 1955, seek anticipatory bail.

2. The case of the prosecution is that on 01.03.2023 at about 18.00 hrs., the defacto complainant inspected the premises of Avalanche Impex Private Limited in Nallur Village, Ponneri Taluk, he found some persons were unloading white colour oil, on seeing the defacto complainant, they ran away and a lorry bearing Registration No.TN 20 AW 4257 was parked in over the weigh bridge containing 23,000 litres of white colour liquid oil and another lorry bearing Registration No.TN 01 BD 4251 parked there was found to be empty. On further inspection, one iron



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tanker buried underground containing 90,000 litres and another iron tanker containing 1,21,000 litre of white colour oil. The owner of the company is Dalsi Singh Rajput who belong to Mumbai has stored the said oil without obtaining proper permission from the Court. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the first petitioner is the owner of the lorry Bharat Benz Tanker bearing Registration No.TN 01 BD 4251 and the second petitioner is the driver of the vehicle. The lorry was engaged by the main accused A1 and A3 for transporting oil. He would also submit that during inspection the lorry belong to the first petitioner bearing Registration No.TN 01 BD 4251 was found empty. The petitioners were not aware of the illegal activities of the main accused, other than having received the transportation charges the petitioners have nothing to do with the business of A1 and A3. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) would submit that the petitioners are respectively owner and the driver of the lorry. He would further submit that on specific information the respondent police inspected the company Avalanche Impex Private Limited in Nallur Village and they have found contraband/white colour liquid oil worth Rs.84,00,000/- stored in a under ground tank, and intended for adulteration of oil. He would further submit that there are no previous case is pending against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners would submit that without prejudice to his contention and defence the first petitioner is ready and willing to deposit an amount of Rs.50,000/- and the second petitioner is ready and willing to deposit an amount of Rs.25,000/- to any welfare scheme run by the Government.



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6. Heard both sides and perused the materials available on record.

7. Taking into consideration the voluntary submission made by the learned counsel for the petitioners, the first petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) and the second petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of the Dean/Medical Officer, Government Headquarters and Government Hospital, Thiruvallur, without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioners deposit the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case, the submissions made on both sides and also taking note of the fact that the first petitioner has come forward to deposit an amount of



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Rs.50,000/- and the second petitioner has come forward to deposit an amount of Rs.25,000/- to **the Dean/Medical Officer, Government Headquarters and Hospital, Thiruvallur**, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

10. Accordingly, the first petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) and the second petitioner is deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) directly to **the Dean/Medical Officer, Government Headquarters and Hospital, Thiruvallur** and on such deposit and on receipt of proof of payment, 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 No.I, Thiruvallur**, on condition that the petitioners shall execute a 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



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petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the first petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) and the second petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) directly to **the Dean/Medical Officer, Government Headquarters and Hospital, Thiruvallur**, to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[c] **the petitioners shall report before the respondent police everyday at 10.30 a.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



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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.

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