



Crl.O.P.No.8824 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(1) Solvent Raffinate and Slop (Acquisition, Sale, Storage and Prevention of use in Automobile) Order 2000 read with Section 7(i)(a)(ii) of Essential Commodities Act 1955, in Crime No.65 of 2023, seek anticipatory bail.

2. The case of the prosecution is that on 10.04.2023, when the respondent police were conducting raid, they found that the petitioner along with others, in possession of 10,000 litres of Black Oil. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The main accused/A1 has been arrested and he was released on bail by the Judicial Magistrate No.I, Thiruvallur in



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M.P.No.4580 of 2023 vide order dated 17.04.2023. He would further submit that even as per Rules, A1 is entitled to be in possession of 45,000 litres of black oil without permit. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners along with other accused were found in illegal possession of 10,000 litres of black oil. He would further submit that A1 has been arrested and investigation is still pending. Further he would submit that the petitioners have one previous case as against them. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. In reply, Mr.R.Sasikumar, learned counsel for the petitioners would submit that petitioners are neither the owners of the godown nor the owners of black oil. He would also submit that without prejudice to



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his defence, the petitioners are prepared/ready and willing to deposit a sum of Rs.25,000/-each to the welfare of any of the Government School. Hence, he prays for grant of anticipatory bail to the petitioners.

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

7. Taking into consideration the facts and circumstances of the case and also the submissions of either sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners shall make a non-refundable deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each to the credit of **The Head Master, Panchayat Union Middle School, Vengathur, Thiruvallur District.** On such deposit and production of proof, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned**



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Judicial Magistrate No.I, Thiruvallur, on condition that each of 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 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;



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[e] 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 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;

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

24.04.2023

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