



Crl.O.P.No.24636 & 24639 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehends arrest for the alleged offences punishable under Sections 3 (1) of Solvent Raffinate and Slope (Acquisition, Sale, Storage and Prevention of Use in Automobiles) Order 2000 and Section 7 (1)(a)(III) of Essential Commodities Act, 1955 in Crime No.20 of 2023, on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) on behalf of the respondent.

3.It is stated that on 02.02.2023, the respondent had conducted vehicle inspection at Wallaja Tollgate and at that time, they saw five persons loading black oil in a tanker lorry. On seeing the police, two out of five persons ran away from the spot. The two persons are the drivers seeking anticipatory bail.

4.It is the case of the respondent that A1, A3 and A4 had been arrested and granted bail. A2 had been granted anticipatory bail. The petitioners herein/A5 and A6 are the drivers.



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5.A counter had been filed on behalf of the respondent, wherein, it is stated that the accused were loading black oil worth about Rs.25,000/- in two lorries. The learned counsel for the petitioners also produced a copy of the invoice issued by the Bharat Petroleum Corporation Limited and also by Indian Oil Corporation Limited and claims that the transportation was legal, justified and authorised. These are the factors which will have to be examined during the course of investigation.

6.Taking into consideration all the facts and that the other accused had been released on bail, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, 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 **Judicial Magistrate IV, Vellore**, 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 petition for anticipatory bail shall stand dismissed and on further condition that:



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[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 daily at 10.00 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.

[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.

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