



CrI.O.P.No.2038 of 2024

CrI.O.P.No.2038 of 2024

WEB COPY

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 3 of 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.5 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 11.01.2023, on a secret information, when the the respondent police is on regular check up and on search, they found that the petitioner along with other accused illegally transporting 10000 litres of adulterated black oil and the same was seized by the respondent police. Hence, the respondent police is registered the case against the petitioner.



CrI.O.P.No.2038 of 2024

WEB COPY

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would submit that he is not doing any business, he is an advocate by profession and only with an ulterior motive, the respondent police falsely implicated his name. He would further submit that he undertake to abide any condition that may be imposed by this court and there is no previous case pending against him. Accordingly, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioner stating that the petitioner along with other accused was indulged in illegal transportation of 10000 litres adulterated black oil and the same was seized by the respondent police. He would submit that already the investigation was completed, however, final report is yet to be filed.

5. Taking into consideration the facts and the submissions made by the both counsel and also the fact that investigation is almost completed and there is no previous case pending against him, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



WEB COPY



CrI.O.P.No.2038 of 2024

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned Judicial Magistrate-I, Thiruvallur** on condition that the petitioner is directed to **deposit a sum of Rs.50,000/- (Rupees fifty thousand only) as non-refundable deposit to the credit of Madras High Court Advocate Clerks Welfare Association, Chennai, A/c No. 484077244, Bank : Indian Bank, Branch : High Court. IFSC Code : IDIB000M157** and he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, **in which one surety must be a blood surety** 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 and on further condition that:

[a] the petitioner 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.



CrI.O.P.No.2038 of 2024

WEB COPY

[b] the petitioner shall report before the trial court on every Wednesday at 10.30 a.m. for a period of eight weeks and he shall cooperate with the trial proceedings.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.

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

07.02.2024

rpp

Page 4 of 5



WEB COPY



CrI.O.P.No.2038 of 2024

T.V.THAMILSELVI, J.

rpp

CrI.O.P.No.2038 of 2024

07.02.2024