



Crl.O.P.No.27166 of 2024

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P.DHANABAL,J.

The petitioner/accused who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 305(e) of BNSS Act, 2023 in Crime No.128 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner running a business in the name and style of Velmuruga Lubrigance for more than three years. It is a small business of buying and selling of used vehicle oils at Pollachi, Kurumpalayam, On 01.05.2024, the Deputy Superintendent of Police, Civil Supplies has inspected the premises and found that there were discrepancy in the recycled black oil and lube oil. Hence, the complaint.

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 further submits that already the Inspector of Police, registered a case in Pollachi CSCID No.145 of 2024 under Section 2(e)(f)(vii)(ix) of Motor Spirit and High Speed Diesel (PMSD) order 2005 r/w



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7(1)a(ii) of E.C.Act, 1955 which is pending and under the investigation. He further submits that he is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submits that when the Deputy Superintendent of Police, Civil Supplies, C.I.D, Coimbatore Sub Division, has inspected the premises and found that there were discrepancy in the recycled black oil and lube oil He further submits that the said godown had already been locked and sealed by the respondent police. He further submits that the petitioner is having one previous case against him. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (CrI.Side) and perused the materials available on record.

6. Considering the nature of allegations levelled against the



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petitioner, though the petitioner is having one previous, bail was granted to him in that case and even according to the prosecution, the said godown had already been locked and sealed by the respondent and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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-II, Pollachi** on condition that the petitioner shall execute a 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks.

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



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[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

29.10.2024

Vv

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