



Crl.O.P.No.28602 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/fourth accused who apprehends arrest at the hands of the respondent police for the offence punishable under Section 3(1) of Solvent Raffinate and Slop (Acquisition, Sale, Storage and Prevention of Use in Auto mobiles) Order 2000, & 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.174 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the complaint had been lodged on 21.08.2023 that the respondent had received information and had inspected the place at Nos. 67 & 68 Raj Nagar, Sendrambakkam, Chennai and found 8 barrels of Industrial Oil and two four wheelers. There were no documents or license for possession of Industrial Oil. It was found that the land belongs to this petitioner and that all the accused were dealing in transporting oil in four wheelers. It was under those circumstances that the complaint was lodged and the First Information Report was registered.

3. It is the case of the petitioner herein that he had rented the said premises to M.Shakthivel, Proprietor of M/s. Sai Enterprises and rental agreement had been entered into on 01.01.2021 and that the said lessee had also been paying the lease amount for the past one year and bank



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transaction statement in that regard had also been produced and the matter had been adjourned for verification of those documents. The documents have been examined.

4. It is also seen that the other accused, namely, the accused Nos. 1, 3 and 4, who had been taken into custody had been granted bail.

5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 days from the date on which the order copy made ready, before the Judicial Magistrate, Tiruvallur, 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 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 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.



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[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.

23.01.2024

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