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Crl.O.P.No.31683 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31683 of 2024

V.Babu

Petitioner(s)

Vs

The Inspector Of Police
CSCID Police Station,
Chennai.
(Crime No. 5 of 2022)

Respondent(s)

PRAYER: Criminal Original Petition has been filed under Section 482 of B.N.S.S. praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No. 5 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr. R.Vivekananthan

For Respondent : Mr.S.Santhosh,
Govt. Advocate (Crl. Side)



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ORDER

Apprehending arrest in connection with Crime No.5 of 2022 registered for the offences punishable under Section 3(1) of Solvent Raffinate and Slop (Acquisition, sale, storage and Prevention of use in automobiles) Order 2000 and Section 7(1)(a)(ii) of Essential Commodities Act, 1995, the present petition has been filed by the petitioner seeking anticipatory bail.

2. The case of prosecution as per the defacto complainant Mr.A.Mukesh Rao is that the petitioner along with four accused were found to store 2000 litres of black oil illegally in Ashok Leyland Tanker lorry bearing Regn. No.TN-02 AK-6399 parked in the premises without any bills and the lorry was seized. Hence, the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case, which has been registered in the year 2002. He would submit that the petitioner is only an employee of Thirumalai Traders and other



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than that, the petitioner has nothing to do with the offence. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

4. The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that on 04.01.2022 at about 06.00 p.m., based on the secret information about illegal transport of essential commodities and selling them in black market, the respondent police went to an oil company named Thirumalai Traders and 4 steel tanker lorries were found parked in the premises bearing Door No.201/2A Shanmugapuram Main Road, Surapet containing 17600 litres of black oil without any permission or license from the Government and the lorries have been seized. He further submits that no previous case pending against the petitioner. He would submit that totally 4 accused involved in this case and the petitioner is arrayed as A3.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to



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the petitioner with certain conditions and accordingly, he 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 of receipt of a copy of this order, before the learned 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 said Magistrate, 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.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. for the period of two weeks and thereafter, he shall report on every Saturday at 10.30 a.m. until further orders.

[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.



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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].

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

19.12.2024

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To

- 1.Judicial Magistrate,
Tiruvallur.
2. The Inspector Of Police
CSCID Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDRA, J.

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