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CRL OP No. 31820 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-12-2024

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No.31820 of 2024

V.Manavalan,
S/o. Varadappan,
No.28/35, Anna Street,
Chellaiamman Extension Athipat,
Ambattur, Tiruvallur.

Petitioner(s)

Vs

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

Respondent(s)

For Petitioner(s):

Mahesh J
K.Sendhilnathan
J.Sarath Kennedy

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 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, in Crime No.5 of 2022 on the file of the respondent police, seeks anticipatory bail.



4. Learned Government Advocate (Crl.side) submits that the petitioner was found in illegal possession of 17,600 liters of Black Oil for sell on black market. Further, he submitted that the petitioner has two previous cases. However, the petitioner is also willing to abide by any stringent conditions. Nevertheless, the learned Government Advocate strongly opposes the grant of anticipatory bail to the petitioner.

5. In reply, M/s. Krithika, learned counsel appearing on behalf of Mr. J. Mahesh, the learned counsel for the petitioner submits that this is a case registered in the year 2022, and the petitioner is ready to co-operate with the enquiry. She further submits that, without prejudice to his contentions, the petitioner is willing to deposit a non-refundable amount of Rs.10,000/- to any charitable organization or association. Therefore, she prays for the grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the respondent and perused the materials available



on record.

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7. Taking into consideration the facts and circumstances of the case and the case is of the year 2022, and the petitioner is not in connection with the alleged Thirumala Traders, and also taking note of that, based on the confession statement of the accused/A3, the petitioner name was added as one of the accused, this Court is inclined to grant anticipatory bail to the petitioner. However, taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioner may be directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of District Legal Services Authority, Thiruvallur District, without prejudice to his rights and contentions before the trial Court.

8. It is made clear that merely because the petitioner is depositing the amount, it would not amount to the petitioner admitting his guilt in the



criminal case and such amount is being paid without prejudice to the right of the petitioner.

9. Accordingly, the petitioner shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Thiruvallur District**, and on such deposit and on receipt of proof of payment, 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, Thiruvallur District*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 conditions that:



[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 A.M, until further orders.

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

[c] the petitioner shall not abscond either during the investigation or during the 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 was 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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20-12-2024



To

1.State Rep.By,
The Sub Inspector Of Police,
CSCID Police Station,
Chennai District.
(Crime No.5 of 2022)



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A.D. JAGADISH CHANDIRA, J.

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