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Crl.O.P.No.31866 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20-12-2024**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31866 of 2024

1.Manikkam @ Manickam
2.Victor Tharmaraj
3.Suresh
4.Iruthyasuman
5.Michalraj

... Petitioners/A1 to A5

Vs.

Deputy Superintendent of Police,
CSCID, Chennai-Thiruvallur District.

...Respondent

For Petitioners : Mr.J.Sreeram Bullappan

For Respondent : Mr.S.Santhosh,
Government Advocate (Criminal Side)

ORDER

Apprehending arrest in connection with Crime No.163 of 2022 registered for the offences punishable under Sections 3(1) of the Solvent Raffinate and Slop (Acquisition, Sale, Storage and Prevention of Use in Automobiles) Order 2000 and Section 7(1)(a)(ii) of the Essential Commodities Act, 1955, the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioners, false



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implication in the case, learned counsel for the petitioners seeks indulgence of this court. He submits that the petitioners were dealing with the business of purchase and selling of waste oil sludge used for bitumen and they were found in illegal possession of 10,600 litres of black-colored oil and they have not stored the oil illegally. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3.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 the petitioners were found in illegal possession of 10,600 litres of black-colored oil without any valid licence and the same was seized from A1, who is the owner of the company and no previous case as against the petitioners.

4.Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they are ordered to be released on bail in the event of arrest or on thier appearance.



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5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.1, Thiruvallur**, on condition that the petitioners shall execute a bond each for a sum of **Rs.15,000/- (Rupees Fifteen 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 petitioners 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 petitioners shall report before the respondent police everyday at 06.30p.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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



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action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 269 of BNS.

20-12-2024

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To

- 1.The Judicial Magistrate No.I, Thiruvallur.
- 2.The Deputy Superintendent of Police,
CSCID, Chennai-Thiruvallur District.,
- 3.The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA, J.



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