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Crl.O.P.No.17849 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6 (4) TNSC (RDDCS) order 1982 r/w 7(1)(A)(11) of the EC Act 1955 in Crime No.194 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused is said to have transported 2000 kgs of PDS rice and 3 kgs of dhal illegally. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that he has been falsely implicated in this case and he is no way connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal side) appearing for the respondent would submit that the petitioner was found in illegal possession of 2000 kgs of PDS rice and 3 kgs of dhal. He would further submit that there are totally two accused, in which the petitioner is arrayed as A2. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also taking note of the fact that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall donate 10 bags containing 50 kgs of raw rice and 2 bags containing 25 kgs of Toor dhal to **Sevalaya Swami Vivekananda Home, Kasuva Village, Pakkam (po) Near Thiruninravur – 602 024, Tiruvallur District. Ph 7299004456** and on such donation, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before *the learned Judicial Magistrate-I, Thiruvallur*, and on his executing 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 the petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy is made ready, 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;

[b] the petitioner shall donate 10 bags containing 50kgs of raw rice and 2 bags containing 25 kgs of Toor dhal to ***Sevalaya Swami Vivekananda Home, Kasuva Village, Pakkam (po) Near Thiruninravur – 602 024, Tiruvallur District. Ph 7299004456***

[c] the petitioner shall stay at Dharmapuri and report before the Inspector of Police, Dharmapuri Town Police Station daily at 10.30 a.m., and 5.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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



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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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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