



Crl.O.P.No. 19063 of 2022

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WEB CO **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 6(4) Tamil Nadu Schedule Commodities (RDCS) order 1982 r/w. Section 7(i)(a)(ii) of the Essential Commodities Act, 1955 in Crime No.126 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused were found in illegal possession of 3,800 Kgs of PDS rice. 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.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally 3 accused in which the



petitioner is arrayed as A3. The petitioner is the owner of the house where the illegal possession of 3,800 Kgs of PDS rice were found. He would also submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall donate 10 bags each containing 50 kgs of raw rice and 2 bags each containing 25 kgs of Toor dhal to ***Sri Nivedidha Seva Trust, No.3/367, Narasamma Colony, Hosur, Krishnagiri (Dt) – 635109. Ph. 9443982835*** and also shall donate 10 bags each containing 50 kgs of raw rice and 2 bags each containing 25 kgs of Toor dhal to ***Vinayaga Home for Children, No. 12, Bagalur Road Near Tirupathi Kalyana Mandapam, Nanjappa Nagar, Hosur, Krishnagiri district. Ph. 9443688240*** 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 No.I, Krishnagiri*** and on his



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executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related 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 each containing 50 kgs of raw rice and 2 bags each containing 25 kgs of Toor dhal to ***Sri Nivedidha Seva Trust, No.3/367, Narasamma Colony, Hosur, Krishnagiri (Dt) – 635109. Ph. 9443982835*** and also shall donate 10 bags each containing 50 kgs of raw rice and 2 bags each containing 25 kgs of Toor dhal to ***Vinayaga Home for Children, No. 12, Bagalur Road Near Tirupathi Kalyana Mandapam, Nanjappa Nagar, Hosur, Krishnagiri district. Ph. 9443688240.***

[c] the petitioner shall stay at Ariyalur and report before the Inspector of Police, Ariyalur Police Station daily at 10.30 a.m., and 05.30



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p.m, for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m., and 05.30 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 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.

12.08.2022

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