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Crl.O.P.No.22802 of 2022

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A.D.JAGADISH CHANDIRA.J,

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(i) a(ii) of E.C Act 1955 in Crime No.153 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of 5000 Kgs of PDS rice in their house. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. However, he would submit that without prejudice, the petitioners are ready and willing to make a non-refundable deposit of Rs.25,000/- to the Government. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.side) submitted that the petitioners were found in possession of 5000 Kgs of PDS rice in their house. Hence, he opposed to grant anticipatory bail to the petitioners.

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

6. Accordingly, **the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as a non-refundable deposit to the credit of the Medical officer/Dean, Government Medical College Hospital, Dharmapuri** and on such donation, 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, Krishnagiri**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees twenty five thousand only) with two sureties** each for a like sum to the satisfaction



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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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as a non-refundable deposit to the credit of Medical officer/Dean, Government Medical College Hospital, Dharmapuri and the receipt of the same shall be produced before the concerned learned Magistrate at the time of execution of bond.

[c] Merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

[d] the petitioners shall report before the respondent police **daily at 10.30 a.m., until further orders.**

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



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[f] the petitioners shall not abscond either during investigation or trial;

[g] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate 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]*; and;

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

23.09.2022

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