



Crl.O.P.No.23299 of 2022

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**A.D.JAGADISH CHANDIRA,J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(4) of TNSC (RDCS) Order 1982 r/w 7 (1)(a)(ii) of E.C Act 1955 in Crime No. 49 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioner was found to be in possession of Rs.55,000/- worth about rice bags in lorry bearing Registration No.KA 01 B 8533. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, he would submit that without prejudice to his contention, the petitioner is ready and willing to make a non-refundable deposit of Rs.55,000/- to the Government. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) submitted that the petitioner was found in possession of Rs.55,000/- worth about rice bags



in lorry. He would further submit that there is no previous case pending against the petitioner. However, he 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 deposit a sum of Rs.55,000/- (Rupees Fifty Five Thousand only) as a non-refundable deposit to the credit of District Revenue Officer, Salem District** and on such donation, 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-II, Salem, Salem District** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 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 deposit a sum of Rs.55,000/- (Rupees Fifty Five Thousand only) as a non-refundable deposit to the credit of District Revenue Officer, Salem District 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 petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

**[d] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.**



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

[f] the petitioner 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 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;

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

**28.09.2022**

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