



Crl.O.P.No.23807 of 2022

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A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest for the alleged offences under Sections 6(4) of TNSC (RDCS) Order 1982 r/w Section 7(1)(A)(ii) of Essential Commodities Act, 1955, in Crime No.117 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have illegally transported 2,015 kilograms of PDS rice meant for Public Distribution. Hence, the complaint.

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. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (crl. side) appearing for the respondent police submitted that the petitioner was found in possession of 2,015 kilograms of PDS rice worth about Rs.11,385/-. He further submitted that there is no previous case pending as against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.



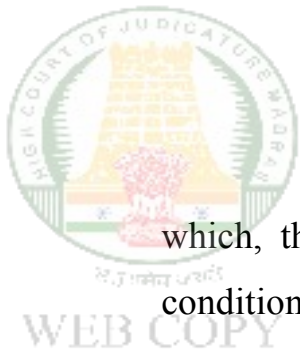
5. In order to curb the illegal activities of smuggling essential commodities meant for public distribution, this Court is of the opinion that the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to "The District Revenue Officer, Dharmapuri District" without prejudice to his rights and contentions before the trial Court.

6. 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.

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

[a] the petitioner is directed to deposit a sum of Rs.15,000/-(Rupees Fifteen Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of "The District Revenue Officer, Dharmapuri District" within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of payment of the above amount.

[b] 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 Judicial Magistrate-I, Dharmapuri, failing



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which, the petition for anticipatory bail shall stand dismissed and on further condition that:-

[c] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[d] the petitioner shall report before the respondent police daily at 10.30 am until further orders.

[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 are 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]**.

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

17.10.2022



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