



Crl.O.P.No.23709 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 Section 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 read with 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.215 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 2500 Kgs PDS Rice worth about Rs.14,125/-. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. However, he would also submit that without prejudice to their contentions, the petitioners are prepared to deposit a considerable amount as non-refundable deposit to any Welfare Scheme of the Government and he prays to grant anticipatory bail to the petitioners.



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4. Per contra, the learned Government Advocate (Crl.side) appearing for the respondent would submit that as far as the 1st petitioner is concerned he had approached the learned District and Sessions Judge, Tiruppur seeking anticipatory bail in Crl.M.P.No.2277 of 2021 and the Court had granted anticipatory bail by an Order dated 03.01.2022 with a direction to make a non-refundable deposit of Rs.50,000/- to the District Mediation Centre. However, after obtaining the anticipatory bail, the 1st petitioner did not surrender before the Court. Therefore, the respondent had filed an application for cancellation of bail. The learned Principal Sessions Judge, Tiruppur by Order dated 29.04.2022 in Crl.M.P.No.714 of 2022 had cancelled the anticipatory bail granted to the 1st petitioner. He would further submit that if at all the 1st petitioner is aggrieved by the same, he can file an application seeking to set aside the order of cancellation of bail. He would further submit that there are two previous cases of similar in nature pending as against the 1st petitioner and there is no previous case pending as against the 2nd petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Heard the learned counsel. As far as the 1st petitioner is concerned, the present petition is not maintainable before this Court and it is also seen that there are two previous cases pending as against the 1st petitioner.

6. As far as the 2nd petitioner is concerned, in order to curb the illegal activities of transporting PDS rice, this Court is of the opinion that the 2nd petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) as non refundable deposit to "the District Revenue Officer, Tiruppur District", without prejudice to his rights and contentions before the trial Court.

7. Merely, because the 2nd petitioner deposit 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.

8. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the 2nd petitioner is prepared to



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deposit Rs.25,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the 2nd petitioner alone with certain conditions.

9. Accordingly, as far as the 1st petitioner is concerned, this petition is dismissed and as far as the 2nd petitioner is concerned, the 2nd petitioner is directed to **deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Tiruppur District"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the 2nd 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 **Judicial Magistrate Court No.II, Tiruppur**, on condition that the 2nd 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



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petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 2nd 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 2nd petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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]**.



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

10.10.2022

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