



Crl.O.P.No.23675 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 offence punishable under Section 6(4) of Tamilnadu Scheduled Commodities (Regulation Distribution by Cord System) Order 1982 r/w 7 (1) 1 (ii) of E.C. Act 1955 in Crime No.100 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on receipt of a secret information, when the respondent police conducted search in vehicle found that the petitioners along with other accused persons had illegally transported 14,000 Kgs of PDS rice worth about Rs.80,000/-. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that without prejudice to their contentions, each of the petitioners is prepared to deposit a sum of Rs.20,000/- to any Welfare Scheme of the Government. Hence, he prays to grant



Crl.O.P.No.23675 of 2022

anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that on receipt of a secret information, when the respondent police conducted search in vehicle, found that the petitioners along with other accused persons had illegally transported 14,000 Kgs of PDS rice worth about Rs.80,000/-. He would submit that there is no previous case pending as against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both the learned counsel and perused the materials available on record.

6. In order to curb the illegal activities of transporting PDS rice, this Court is of the opinion that each of the petitioners shall deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** as non refundable deposit to "the District Revenue Officer, Salem District," without prejudice to their rights and contentions before the trial Court.



Crl.O.P.No.23675 of 2022

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However, it is made clear that merely, because the petitioners deposits 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.

7. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that each of the petitioners has prepared to deposit Rs.20,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, each of the petitioners is directed to **deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) by way of Demand Draft to the "District Revenue Officer, Salem District"**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, 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,



Crl.O.P.No.23675 of 2022

before the **Judicial Magistrate Court No.II, Salem** on condition that each of 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 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 report before the respondent police everyday at 10.30 a.m., until further orders.

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

[d] the petitioners shall not abscond either during investigation or trial.



Crl.O.P.No.23675 of 2022

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[e] 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]**.

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

12.10.2022

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Crl.O.P.No.23675 of 2022

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Crl.O.P.No.23675 of 2022

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