



Crl.O.P.No.24900 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 6(4) of TNSC (RDSCS) Order 1982 r/w 7(1)(a)(ii) of E.C.Act 1955, in Crime No.184 of 2012 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused had illegally transported 2750 kgs of PDS rice. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners were earlier granted anticipatory bail vide order dated 25.11.2021 in Crl.O.P.No.22369 of 2021 with a condition to deposit a sum of Rs.5,000/- to the credit of 'The Secretary, Legal Service Authority, Chennai', however, they were unable to surrender within the stipulated time and thereafter, extension of time was also granted to execute sureties



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till 25.03.2022 vide order dated 09.03.2022 in Crl.M.P.No.2997 of 2022.

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He would further submit that this Court finding that extension was granted twice and had directed the petitioners to deposit a sum of Rs.20,000/- as non-refundable deposit either through RTGS/NEFT or in cash in favour of 'The District Revenue Officer, Salem District and an additional sum of Rs.10,000/- to the credit of Taluk Legal Services Authority attached to the Court concerned. In due compliance of the order, the petitioners have paid an amount of Rs.20,000/- to the credit of 'The District Revenue Officer, Salem District on 08.11.2022 and also paid an amount of Rs.10,000/- to the Taluk Legal Services Authority attached to the Court concerned on 09.11.2022. Thereby, he seeks for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that the petitioners along with other accused had illegally transported 2750 kgs of PDS rice. He would further submit that the petitioners were earlier granted anticipatory bail by this Court in Crl.O.P.No.22369 of 2021 vide Order dated 25.11.2021



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however they failed to execute the sureties and thereafter, extension of time was granted twice. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners were also complied with the direction of this Court dated 26.10.2022, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, 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.III, Salem District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



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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 produce the receipt of payment at the time of executing the sureties before the Court below.

[b] the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.

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

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

[f] On breach of any of the aforesaid



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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]**;

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

15.11.2022

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