



CrI.O.P.No.26133 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 Tamil Nadu Scheduled Commodities (Regulation, Distribution by Card System) Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities (E.C) Act, 1955, in Crime No.268 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 transported 750 kilograms of rice meant for Public Distribution illegally. Hence, the complaint was registered.

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, based on the confession recorded from the arrested accused. 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 750kgs of PDS rice. He further submitted that two previous case of similar nature is pending against the petitioner. Hence, 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.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to "The District Revenue Officer, Coimbatore District" without prejudice to their 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.20,000/- (Rupees Twenty Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of "The District Revenue Officer, Coimbatore 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.10,000/- (Rupees Ten 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 No.IV, Coimbatore**, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :-



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[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 every Monday and Friday 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.

With the above directions, this Criminal Original Petition is ordered.

28.10. 2022

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