



Crl.O.P.No.25420 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 Schedule Commodities [RCDS] Order, 1982 read with (7)(1)(a)(ii) of the Essential Commodities Act, 1995 in Crime No.256 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that during the regular patrol, *de facto* complainant/Sub-Inspector of Police, arrested the A3, who drive the Maruthi Omni bearing registration No.TN-02-U-4378 containing 500 Kgs of PDS rice (10 Bags of rice each contain 50 Kgs) and seized the same. Based on the confession statement of A3, the petitioners were arrayed as A2 and A4. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the first petitioner (A2) is working as Sales Assistant in



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Ration Shop No.1 at Konavattam, Vellore District and A4 is the owner of the aforesaid vehicle, which involved in the illegal transportation of PDS rice. He would also submit that the petitioners are prepared to comply with any stringent condition imposed by this Court and he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that 500 Kgs of PDS rice (10 Bags of rice each contain 50 Kgs) worth Rs.2,800/- and seized the PDS rice was illegally transported in a Maruthi Omni bearing registration No.TN-02-U-4378. The first petitioner A2 is the Sales Assistant in Ration Shop and A4 is owner of the aforesaid vehicle. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. In order to curb the illegal activities of transporting PDS rice, the petitioners undertake to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** as non-refundable deposit to "the District Revenue

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Officer, Vellore District," without prejudice to their rights and contentions before the trial Court. However, it is made clear that merely, because the petitioners deposit 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 and the submissions of both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed to **deposit a sum of Rs.5,000/- (Rupees Five Thousand only) by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Vellore 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, before the **learned Judicial Magistrate No.IV,**



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Vellore on condition that the petitioners 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 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.



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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.

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