



Crl.O.P.No.27091 of 2022

Crl.O.P.No.27091 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(4) of the Tamil Nadu Scheduled Commodities [RDCS] Order, 1982 read with Section 7(1) a (II) of the Essential Commodities Act, 1955, in Crime No.280 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.10.2022 based on the secret information received by the respondent police, they found that the petitioner along with the other accused were in the possession of 4 tonnes of PDS rice worth about Rs.22,600/- without obtaining any permission or license from the Tamil Nadu State Government. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as



Crl.O.P.No.27091 of 2022

alleged by the prosecution and he has been falsely implicated in this case.

WEB COPY

He would further submit that the petitioner is ready and willing to furnish sufficient sureties and to abide by any stringent condition that may be imposed by this Court. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.20,000/- towards any charitable organization or association or orphanage for mentally retarded persons. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with the other accused were found in illegal possession of 4 tonnes of PDS Rice worth about Rs.22,600/- and based on the confession statement, the respondent arrayed the petitioner as A2 in this case. He would further submit that there is no previous case pending against the petitioner/A2 and the first accused/A1 was arrested and still is in Judicial Custody. However, he vehemently opposed to grant anticipatory bail to the petitioner.



CrI.O.P.No.27091 of 2022

WEB COPY

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

6. Considering the facts and circumstances of the case and without prejudice, the petitioner is undertaking to deposit a sum of Rs.20,000/- towards any charitable organization or association or orphanage for mentally retarded persons, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as a non-refundable deposit by way of **Demand Draft/RTGS/NEFT to the "Rehoboth-Home for mentally challenged homeless women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai, vide Account "Rehoboth - Punjab National Bank, Moulivakkam Branch, A/c. No.05812010015060, IFSC Code : PUNB0058110, MICR Code : 600024081"** and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a



Crl.O.P.No.27091 of 2022

WEB COPY

period of fifteen days from the date on which the order copy made ready, before the **learned V Metropolitan Magistrate, Egmore**, on condition that the 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 petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 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 petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non-refundable deposit to the **"Rehoboth-Home for mentally challenged homeless women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai, vide Account "Rehoboth - Punjab National Bank, Moulivakkam Branch, A/c. No.05812010015060, IFSC Code : PUNB0058110, MICR Code : 600024081"** and the acknowledgement for the same shall be produced before the learned Magistrate at time of execution of bond.



Crl.O.P.No.27091 of 2022

WEB COPY

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

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 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.

16.11.2022

jas/arb

Page 5 of 6



WEB COPY



Crl.O.P.No.27091 of 2022

A.D.JAGADISH CHANDIRA, J.

jas/arb

Crl.O.P.No.27091 of 2022

16.11.2022