



Crl.O.P.No.27590 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of EC Act 1955 in Crime No.113 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 22 bags each containing 50 kgs totally 1100 kgs of TNSC PDS Rice. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the second application for anticipatory bail and the petitioner was earlier granted anticipatory bail by this Court in Crl.O.P.No.19669 of 2022 with a condition to deposit a sum of Rs.50,000/- to the credit of Covid-19, Salem District. Due to paucity of funds, he was unable to deposit the said amount in time and the order has got lapsed and thereby, the present petition has been filed. He would further submit that the petitioner has also deposited



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an amount of Rs.50,000/- on 23.11.2022 by way of Bank transfer and thereby, he seeks for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner was already granted anticipatory bail by this Court in Crl.O.P.No.19669 of 2022 on 22.08.2022. He would further submit that he failed to deposit the said amount and produce the sureties within time and thereby, the earlier order has got lapsed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record including the First Information Report.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact



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that the petitioner has deposited the said amount, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance along with proof of payment of Rs.50,000/-, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Namakkal, on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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.



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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]**;

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



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