



Crl.O.P.No.27667 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 offence punishable under Section 6(4) of Tamilnadu Scheduled Commodities (Regulation Distribution by Cord System) Order 1982 r/w 7 (1) (a) (ii) of E.C. Act 1955 in Crime No.100 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on receipt of a secret information, when the respondent police conducted search in vehicle found that the petitioners along with other accused persons had illegally transported 14,000 Kgs of PDS rice worth about Rs.80,000/-. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that earlier, this Court, while granting anticipatory bail, directed the petitioners to deposit a sum of Rs.20,000/- each, to the District Revenue Officer, Salem District. Since the petitioners had



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difficulty in getting sureties, they could not execute the sureties in time.

However, the each of the petitioners has paid a sum of Rs.20,000/- to the District Revenue Officer, Salem District as directed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that on receipt of a secret information, when the respondent police conducted search in vehicle, found that the petitioners along with other accused persons had illegally transported 14,000 Kgs of PDS rice worth about Rs.80,000/-. He would submit that earlier, this Court had granted anticipatory bail to the petitioners. However, they did not comply with the conditions. Therefore, the anticipatory bail granted to the petitioners stand automatically cancelled. He would further submit that there is no previous case pending as against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both the learned counsel and perused the materials



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available on record.

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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 each of the petitioners has deposited Rs.20,000/- to the District Revenue Officer, Salem District, 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 **Judicial Magistrate Court No.II, Salem** on condition that each of the petitioners shall execute a separate 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:



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[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] each of the petitioners shall pay a sum of Rs.1,000/- to the Taluk Legal Services Authority, Salem.

[c] the petitioners shall report before the respondent police everyday 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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