



Crl.O.P.No.27788 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 Tamil Nadu Scheduled Commodity (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of the Essential Commodities Act in Crime No.197 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 180 bags (each bag containing 50 Kgs) of PDS rice totally weighing about 9000 Kgs worth of Rs.50,000/-. Hence, the complaint.

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 and he is no way connected with the alleged offence. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.20,000/- to any welfare scheme of the Government and he prays for grant of anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor submitted that the petitioner and along with other accused persons were found in possession of 9000 Kgs of PDS rice. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Merely, because the petitioner has deposited 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.

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 the petitioner has prepared to deposit Rs.20,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) by way of



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Demand Draft/RTGS/NEFT to the credit of the **District Revenue Officer, Salem**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.2, Salem, Salem District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties 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 report before the respondent police daily at 10.30 a.m., until further orders;



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[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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