



Crl.O.P.No.27618 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 Section 6(4) of the TN Schedule Commodities [RDCS] Order, 1982 and Section (7)(1)(a)(ii) of the Essential Commodities Act, 1955 in Crime No.147 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 16.10.2022 based on the secret information received by the respondent police, they found that the petitioner was in the possession of 1300 Kgs of PDS rice (26 bags each contain 50 Kgs of rice) worth about Rs.35,000/- without obtaining any permission or license from the Tamil Nadu State Government. Hence the complaint.

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



Crl.O.P.No.27618 of 2022

WEB COPY

any offence as alleged by the prosecution. He would also submit that the petitioner is prepared to comply with any stringent condition imposed by this Court and 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 was 1300 Kgs of PDS rice (26 bags each contain 50 Kgs of rice) worth about Rs.35,000/-. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. In order to curb the illegal activities of transporting PDS rice, the petitioner undertakes to deposit a sum of **Rs.35,000/- (Rupees Thirty Five Thousand only)** as non-refundable deposit to "**the District Revenue Officer, Dharmapuri District,**" without prejudice to his rights and contentions before the trial Court. However, it is made clear that



CrI.O.P.No.27618 of 2022

WEB COPY

merely, because the petitioner deposits the said amount, it would not amount to admission of his 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 petitioner with certain conditions.

8. Accordingly, the petitioner is directed to **deposit a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Dharmapuri District"**, without prejudice to his 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 No.I, Dharmapuri** 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



CrI.O.P.No.27618 of 2022

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 everyday 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



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Crl.O.P.No.27618 of 2022

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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14.11.2022



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Crl.O.P.No.27618 of 2022

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Crl.O.P.No.27618 of 2022

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