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Crl.O.P.No.28568 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 Tamilnadu Scheduled Commodities (RDCS) Order 1982 read with Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.270 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the owner of the lorry, in which, 30 bags of PDS rice containing 50 Kgs each has been transported illegally. Hence, the complaint.

3. Earlier, this Court has granted anticipatory bail to the petitioner in Crl.O.P.No.19817 of 2020 on 05.01.2021 with a condition to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Tamil Nadu Advocate Clerks Association, Indian Bank, High Court Branch, (A/c.No.484026006, IFSC No.IDBI 000 M 157), within a period of two weeks from the date of receipt of a copy of this order



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without prejudice to his rights and contention before the trial Court. The petitioner has deposited the said amount vide challan dated 22.01.2021 however, he was unable to surrender and execute sureties, thereby, the earlier Order has got lapsed and the present anticipatory bail has been filed.

4. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) as cost to the **Tamil Nadu State Legal Services Authority, Chennai** and on such payment, 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 **Judicial Magistrate Court No.VI, Egmore, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the respondent police or the police



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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 pay a sum of Rs.2,000/- (Rupees Two Thousand only) as cost to the **Tamil Nadu State Legal Services Authority, Chennai** and the acknowledgment for the same shall be produced before the learned Magistrate concerned at the time of execution of bond.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[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.



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[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.

22.11.2022

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