



Crl.O.P.No.28627 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 6(4) Tamil Nadu Schedule Commodities (RDCS) order 1982 and Section 7(1)(a)(ii) of the Essential Commodities Act, 1955 in Crime No.126 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with another accused were found in illegal possession of 100 Kgs of PDS rice. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has not committed any such offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.28627 of 2022

WEB COPY

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally 2 accused in which the petitioner is arrayed as A2. The petitioner along with another accused were found in illegal possession of 100 Kgs of PDS rice. He would further submit that there are four previous cases similar in nature against the petitioner. The earlier two anticipatory bail petitions were dismissed by this Court. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Though this Court dismissed the anticipatory bail petition on 22.08.2022, the respondent failed to secure the petitioner so far. Because of the absence of the petitioner, the entire investigation is stalled. Therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall donate a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code :



CrI.O.P.No.28627 of 2022

WEB COPY

HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431 and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-II, Salem on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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;

[b] the petitioner shall donate a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431



CrI.O.P.No.28627 of 2022

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[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;

[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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

22.11.2022

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CrI.O.P.No.28627 of 2022



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Crl.O.P.No.28627 of 2022

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Crl.O.P.No.28627 of 2022

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