



Crl.O.P.No.28865 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 offence punishable under Sections 6(4) TN Scheduled Commodities (RDCS) Order 1982 read with Section 7(1)(a)(ii) Essential Commodities Act, 1955 in Crime No.180 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 1050 kgs of PDS rice in a vehicle bearing registration No.TN-38-Y-8744 without obtaining any permission or license from the Tamil Nadu State Government. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that without prejudice to his contentions, the petitioner is prepared to deposit a sum of Rs.10,000/- to any Welfare Scheme of the Government. Hence, he prays to grant anticipatory bail to



Crl.O.P.No.28865 of 2022

the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that, there is no previous case of similar nature pending as against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Heard both the learned counsels and perused the materials available on record.

6. In order to curb the illegal activities of transporting PDS rice, this Court is of the opinion that the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** as non refundable deposit to "the District Revenue Officer, Tiruppur District," without prejudice to his rights and contentions before the trial Court. However, it is made clear that 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.



CrI.O.P.No.28865 of 2022

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7. 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.10,000/- to any welfare scheme of the Government, 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.10,000/- (Rupees Ten Thousand only) by way of Demand Draft to the "District Revenue Officer, Tiruppur 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.2, Tiruppur** 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 satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of



Crl.O.P.No.28865 of 2022

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 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.

24.11.2022

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CrI.O.P.No.28865 of 2022



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Crl.O.P.No.28865 of 2022

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Crl.O.P.No.28865 of 2022

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