



Crl.O.P.No.29120 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) of Tamil Nadu Scheduled Communities (RDCS) Order 1982 r/w 7(1) a (ii) of Essential Commodities Act, 1955 in Crime No.208 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 1,100 Kgs of PDS rice worth about Rs.6,215/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and based on the confession statement of A2, he has been implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner was found in illegal



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possession of 1,100 Kgs of PDS rice worth about Rs.6,215/-. He would submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his contentions, is prepared to deposit a sum of Rs.6,000/- to any Welfare Scheme of the Government.

6. Heard both the learned counsel and perused the materials available on record.

7. 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.6,000/- (Rupees Six Thousand only)** as non refundable deposit to "the District Revenue Officer, Namakkal District," without prejudice to his rights and contentions before the trial Court. However, it is made



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clear that merely, because the petitioner deposits 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.

8. 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.6,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, each of the petitioner is directed to **deposit a sum of Rs.6,000/- (Rupees Six Thousand only) by way of Demand Draft to the "District Revenue Officer, Namakkal 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.II, Namakkal** on condition that the



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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 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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

28.11.2022

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