



Crl.O.P.No.29729 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 6(4) of the TN Scheduled Commodities (RDCS) Order 1982, Section 7(1)(a)(ii) of Essential Commodities Act in Crime No.51 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was in illegal possession of 35 tons of PDS Rice without any valid permission or license. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he is ready to abide by any stringent condition that may be imposed on him. Hence, he prays for anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that this is the fourth anticipatory bail petition. Earlier, the petitioner filed anticipatory bail petitions before this Court and the same were dismissed on 06.06.2022, 18.07.2022 and 02.09.2022.

5. Though this Court dismissed the anticipatory bail petition on three occasions, the respondent did not take any steps to secure the petitioner. Therefore, the entire investigation has been stalled in crime No.51 of 2022 without the presence of the petitioner. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall donate a sum of Rs.1,00,000/- (Rupees One Lakh only) to the account of Chennapuri Annadana Samajam, No.13/76, Nyniappa Naicken Street, Park Town, Chennai 600 003; Ph.No.044-2535 4848; State Bank of India A/c No.31109660330, Branch-Park Town, IFSC Code: SBIN0001856, and on such donation,



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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-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.1,00,000/- (Rupees One Lakh only) to the credit of Chennapuri Annadana Samajam, No.13/76, Nyniappa Naicken Street, Park Town, Chennai 600 003; Ph.No.044-2535 4848; State Bank of India A/c No.31109660330, Branch-Park Town, IFSC Code: SBIN0001856.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.



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[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.

02.12.2022

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Note: Issue order copy on 05.12.2012



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