



Crl.O.P.No.32465 of 2022

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WEB COPY **A.A.NAKKIRAN, J.**

The petitioners, who apprehend arrest for the alleged offence under Section 6(4) of TNSC (RDCS) Order 1982 read with Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.316 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 23.11.2022 when the respondent was partolling in order to control PDS rice trafficking found the A5 along with two others running on seeing police. Thereafter, apprehended A5 and found him possessing 4500 KGS of PDS Rice (50 Kgs X 90 Bags) worth Rs.25,425/-. Hence the complaint.

3. The learned counsel appearing for the petitioners submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.side) submitted that the petitioners seized PDS rice of 4500 KGS. A2 is rice owner, A2, A4 are workers, A1 absconding, A2 having one previous case, A5 arrested and released on bail, A3, A4 no previous case, property recovered. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the *learned Judicial Magistrate No.IV, Coimbatore* on condition that the petitioners shall execute a separate 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 officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



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[a] the petitioners are directed to deposit a sum of **Rs.6000/- (Rupees Six Thousand only) each Rs.2000/-, to the credit of the Karthika Public Educational and Charitable Trust, Mayiladuthurai, SB A/C.No.497663303 Indian Bank Branch, Code: 00165 IFSC Code: IDIB000M023** within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioners 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.

[c] the petitioners are directed to report before the respondent police **daily at 10:30 a.m., for a period of four weeks and thereafter as and when required for interrogation.**

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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]**.

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

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