



Crl.O.P.No.1003 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(4) of TNSC (RDCS) Order 1982, r/w 7(1) a (ii) of E.C. Act, 1958 in Crime No.381 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police on their routine patrol duty relating to Essential Commodities Smuggling and hoarding, they found that the accused were indulged in illegal transportation of 2,600 kilograms of PDS rice in their vehicles. Hence, the respondent police has registered the case against the accused and seized the properties.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and he has not committed any such offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent



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conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that the accused were indulged in illegal transportation of 2,600 kilograms of PDS rice. He further submitted that the petitioner is the owner of the seized property. He also stated that there is no previous case as against the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

6. Taking into consideration the facts and the submissions made by the learned counsel and also considering the fact that the petitioner without prejudice his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust, this Court is inclined to grant



anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate-IV, Vellore, Vellore District*, on condition that the petitioner shall execute a 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:

[a] the petitioner shall make a non-refundable deposit of **Rs.15,000/- (Rupees Fifteen thousand only)** to the credit of **Aadharsh Thai Special School, Suramanagalam, Account Name: Aadharshthai Trust A/c No.1219101039722, Canara Bank, IFSC Code:CNRB0001219;**

[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[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 has been imposed and the petitioner is 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;

19.01.2023

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