



Crl.O.P.No.4138 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehend arrest for the alleged offences punishable under Sections 6(4) of Tamil Nadu Schedule Commodities (Regulation of Distribution Through card system) order, 1982 r/w Section 7(1)(a)(ii) of the Essential Commodities Act, 1955 in Crime No.301 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner was found in illegal possession of 1 1/2 tones of PDS rice. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged. However, on instructions, the learned counsel submitted that the petitioner, on their own volition, are ready and willing to contribute a sum of Rs.25,000/- each to the credit of the Registered Advocates Clerks Association, Vellore District, that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner were found in illegal possession of 1 1/2 tones of PDS rice. He would further submit that there are 11 previous cases pending against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the petitioner has willfully and on their own volition agreed to contribute some amount for charitable purpose, this court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance before the learned **Judicial Magistrate No.IV, Vellore** 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, failing which, the petition for anticipatory



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bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** to the credit of the Registered Advocates Clerks Association, Vellore District, 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 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;

[c] the petitioner is directed to report before the respondent police on every Tuesday and Saturday at 10.30a.m., for a period of three months and thereafter, as and when required for interrogation;

[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;



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[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]**;

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

28.02.2023

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