



Crl.O.P.No.4349 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Section 6(4) of TNSC(RDCS) Order, 1982 r/w. Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.164 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of 2209 Kgs of PDS rice. Hence, this complaint.

3. Learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate(Crl.Side) appearing for the



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respondent submitted that the petitioner along with other accused persons were involved in illegal transportation of 2209 Kgs of PDS rice worth about Rs.12,480/-. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact that the petitioner, without prejudice to his rights, on his own volition is ready to deposit a sum of Rs.10,000/- to any of the Government Organization, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the Registered Advocate Clerk Association, Thiruvallur** and on such receipt and receipt of proof of payment, 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.I, Thiruvallur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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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 is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the Registered Advocate Clerk Association, Thiruvallur, 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 shall report before the respondent police station on every Sunday at 10.30 a.m., for a period of four weeks;**

[d] the petitioner shall not tamper with evidence or witness either during investigation or



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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.

02.03.2023

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