



CrI.O.P.No.6016 of 2023

WEB COPY

CrI.O.P.No.6016 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(4) of the TN Schedule Commodities [RDCS] Order, 1982 read with Section (7)(1)(a)(ii) of the Essential Commodities Act, 1955 in Crime No.18 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 24.02.2023 at about 8.30 a.m., based on the secret information received by the respondent police, they found that the petitioner was in the possession of 1240 Kgs of PDS rice worth about Rs.40,920/- in two vehicles viz., Tata Mini Lorry bearing Reg.No.TN-28-K-5590 (440 Kgs of PDS rice in 11 gunny bags each bag contains 40 Kgs of PDS rice) and Tata Mini Van bearing Registration No.TN-22-BV-6504 (800 Kgs of PDS rice in 20 gunny bags each bag contains 40 Kgs of PDS rice), without obtaining any permission or license from the Tamil Nadu State Government. Hence the case.



WEB COPY

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence alleged by the prosecution. He would further submit that the petitioner has no previous case pending against him. He would further submit that the petitioner is are ready and willing to furnish sufficient sureties and to abide by any stringent condition that may be imposed on him. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.35,000/- as a non-refundable deposit to "**the District Revenue Officer, Cuddalore District**". Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would that the petitioner was in possession of 1240 Kgs of PDS rice worth about Rs.40,920/-. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.



CrI.O.P.No.6016 of 2023

WEB COPY

5. Heard both sides and perused the materials available on record including the FIR.

6. In order to curb the illegal activities of transporting PDS rice, the petitioner undertakes to deposit a sum of **Rs.35,000/- (Rupees Thirty Five Thousand only)** as non-refundable deposit to "**the District Revenue Officer, Cuddalore District**" without prejudice to his rights and contentions before the trial Court. However, it is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking into consideration the facts and circumstances of the case and the submissions of either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to **deposit a sum of**



Crl.O.P.No.6016 of 2023

WEB COPY

Rs.35,000/- (Rupees Thirty Five Thousand only) by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Cuddalore District", without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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, Cuddalore District**, on condition that the petitioner shall **execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 report before the



Crl.O.P.No.6016 of 2023

respondent police every day at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

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

17.03.2023

arb



WEB COPY



Crl.O.P.No.6016 of 2023

A.D.JAGADISH CHANDIRA, J.

arb

Crl.O.P.No.6016 of 2023

17.03.2023