



Crl.O.P.No.6388 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TNSC (RDCS) Order 1982 read with 7(1)(a)(ii) Essential Commodities Act, 1955 of in Crime No.51 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was in illegal possession of 35 tons of Rice bags, without any valid permission or license. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that there are totally 8 accused in this case and this Court, in Crl.O.P.No.24271 of 2022 and Crl.O.P.No.24730 of 2022 by orders 14.10.2022 and 17.11.2022 has granted anticipatory bail to the similarly placed accused on condition to deposit a sum of Rs.1 lakh each to the credit of Ray of Light Foundation. He further submitted that the petitioner in order to show his bonafide, has



Crl.O.P.No.6388 of 2023

filed an affidavit of undertaking agreeing to deposit a sum of Rs.1 lakh and he is also ready and willing to abide by any stringent conditions as may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that petitioner along with other accused was in illegal possession of 35 tons of Rice bags. He further submitted that the co-accused have been granted anticipatory bail by this Court and there is no previous case against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the fact that the co-accused have been granted anticipatory bail by this Court and also taking into consideration the affidavit of



Crl.O.P.No.6388 of 2023

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undertaking dated 03.04.2023 filed by the petitioner agreeing to deposit a sum of Rs.1 lakh, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) as non refundable deposit to the credit of the **District Revenue Officer, Salem**, and on such deposit, 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-II, Salem, Salem District**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related 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:



Crl.O.P.No.6388 of 2023

[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 respondent police daily at 10.30 a.m, and 04.30 p.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 absconds, a fresh FIR can be registered under Section 229A IPC.

11.04.2023

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Crl.O.P.No.6388 of 2023

A.D.JAGADISH CHANDIRA, J.,

ksa-2

Crl.O.P.No.6388 of 2023

11.04.2023