



Crl.O.P.No.7205 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 offence punishable under Section 6(4) of the Tamil Nadu Scheduled Commodities [RDCS] Order, 1982 r/w Section (7)(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.22 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 05.03.2023, on receiving a secret information, he along with his team went to the scene of occurrence and found that the petitioner, who is a mill owner, along with other accused had illegally transported 1500 kgs of PDS rice worth about 49,500/-, without obtaining any permission or license from the Tamil Nadu State Government. 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 would further submit that the petitioner



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has been falsely implicated in this case. He would further submit that there is no previous case pending as against the petitioner. He would further submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.15,000/- as a non-refundable deposit to **"the District Revenue Officer, Dharmapuri District"**. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that on receiving a secret information, the defacto complainant along with his team went to the scene of occurrence and found that the petitioner, who is the Mill Owner, along with other accused was in illegal possession of 1500 kgs of PDS rice, worth about Rs.49,500/-. 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.

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



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6. In order to curb the illegal activities of transporting PDS rice, the petitioner undertakes to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** as a non-refundable deposit to "**the District Revenue Officer, Dharmapuri 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 the submissions of both sides, 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 Rs.15,000/- (Rupees Fifteen Thousand only) by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Dharmapuri District"**, without prejudice to his rights and contentions before the trial



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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, Dharmapuri**, 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 bail shall stand dismissed and on further condition that:

[a] the petitioners 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 everyday at 10.30 a.m., until further orders;**

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



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[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.

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