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CrI.O.P.No.7481 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 Section 6(4) of the TN Scheduled Commodities [RDCS] Order, 1982 read with Section (7)(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.35 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 16.03.2023 at about 6.00 a.m., based on the secret information received by the respondent police, they found that the petitioner was in possession of 2000 Kgs of PDS rice in a Ashok Leyland Dost vehicle bearing Registration No.TN-47-AF-8975, without obtaining any permission or license from the Tamil Nadu State Government. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence



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alleged by the prosecution. He further submitted that A1 to A4 were arrested and released on bail and A6 is the owner of the poultry farm and he purchased the rice without any knowledge from the other accused. He further submitted that the petitioner has no previous case pending against him. He further submitted that the petitioner is ready and willing to furnish sufficient sureties and to abide by any stringent condition that may be imposed on him. He also submitted 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, Salem District. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner was illegally transporting 2000 Kgs of PDS rice worth about Rs.66,000/- in a vehicle bearing Registration No.TN-47-AF-8975. He further submitted that there is no previous case pending as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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

6. In order to curb the illegal activities of transporting PDS rice, the petitioner undertakes to deposit a sum of **Rs.15000/- (Rupees Fifteen Thousand only)** as non-refundable deposit to "**the District Revenue Officer, Salem 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 made by the counsel on either sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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, Salem 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.II, Salem 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.



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[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[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.

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