



Crl.O.P.No.7734 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, 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.52 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 29.03.2023, he was on duty, he found that the petitioners were in possession of 1500 kgs of PDS rice , without obtaining any permission or license from the Tamil Nadu State Government. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that without prejudice, the petitioners are prepared to deposit a sum of Rs.50,000/- each as a non-refundable deposit to "**the District Revenue**



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Officer, Coimbatore District". Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners were found to be in illegal possession of 1500 kgs of PDS rice. **He would further submit that the first petitioner has got two previous cases and the second petitioner has got one previous case.** However, he vehemently opposed to grant anticipatory bail to the petitioners.

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 petitioners undertakes to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only) each** as a non-refundable deposit to **"the District Revenue Officer, Coimbatore District,"** without prejudice to his rights and contentions before the trial Court. However, it is made clear that merely, because the petitioners deposits the said amount, it would not



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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 petitioners with certain conditions.

8. Accordingly, the petitioners are directed to **deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) each by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Coimbatore District"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are 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.IV, Coimbatore**, on condition that the petitioners 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



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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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial



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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.

18.04.2023

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