



Crl.O.P.No.8520 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 Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 read with 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.319 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that during the vehicle check up by the respondent police on 15.10.2022, they found that the petitioner was in illegal possession of 1100 Kgs of PDS rice worth about Rs.33,000/-. Hence the case.

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 and he has been falsely implicated in this case. He would also submit that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be



Crl.O.P.No.8520 of 2023

WEB COPY

imposed by this Court. He would also submit that without prejudice, the petitioner is prepared to deposit a substantial amount to any Government Welfare Scheme as may be directed by this Court. 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 in illegal possession of 1100 Kgs of PDS rice worth about Rs.33,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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, this Court is of the opinion that the petitioner shall be directed to deposit a sum of **Rs.33000/- (Rupees Thirty three Thousand only)** as non-refundable deposit to "**the District Revenue Officer, Coimbatore District**" without prejudice to his rights and contentions before the trial



Crl.O.P.No.8520 of 2023

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.

8. Accordingly, the petitioner is directed to **deposit a sum of Rs.33,000/- (Rupees Thirty three Thousand only) 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, and 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.IV,**



Crl.O.P.No.8520 of 2023

WEB COPY

Coimbatore 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 respondent police every day at 10.30 a.m., for a period of two weeks 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.



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CrI.O.P.No.8520 of 2023

[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.

24.04.2023

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Crl.O.P.No.8520 of 2023

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.8520 of 2023

24.04.2023