

**Crl.O.P.No.9389 of 2023****S.SOUNTHAR, J.**

WEB COPY

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TN Schedule Commodities (RDCS) order 1982 r/w section 7(1)a(ii) of Essential Commodities Act 1958, in Crime No.33 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on a secret information which was received on 03.04.2023, he conducted a raid at Koyambedu Market, Four Wheeler Parking place where the suspected lorry bearing registration No.TN69 AM 8263 was loaded with 175 bags of rice weighing about 8750 Kgs which was found without any bills and license, which was came to know that the said rice bags are belongs to Government ration shops and the same was seized and the case was registered Suo-Motu by the respondent police.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. Therefore, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners were in the possession of 175 bags of rice weighing about 8750 Kgs. However, he vehemently opposed to grant anticipatory bail to the petitioner.



5. At this juncture, the learned counsel for the petitioners would submit that without prejudice to his contention and defence the petitioners are ready and willing to deposit an amount of Rs.10,000/- to any welfare scheme run by the Government.

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

7. Taking into consideration the voluntary submission made by the learned counsel for the petitioner, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to **“the District Revenue Officer, Chennai District”** without prejudice to their rights and contentions before the trial Court.

8. However, it is made clear that merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. 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.

10. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Chennai 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.VI, Chennai**, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, report before the respondent police as and when required for interrogation.

[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 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.

WEB COPY

05.05.2023

nl

S.SOUNTHAR, J.



WEB COPY

Crl.O.P.No.9389 of 20



nl

Crl.O.P.No.9389 of 2023

05.05.2023