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Crl.O.P.No.10409 of 2023

S.SOUNTHAR, J.

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.51 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 03.04.2023, while the respondent was on a regular patrol near Jothi Madam Auto Stand, they had found a vehicle bearing registration No.KA-03-AC-4878, Ashok Leyland which was illegally transported 24 bags of PDS rice each contains 50 kgs. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. He further submitted that the petitioner is arrayed as A2 and that, there is no previous case pending against him. 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 petitioner was in the possession of 24 bags of PDS rice. 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. At this juncture, the learned counsel for the petitioner would

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submit that without prejudice to his contention and defence the petitioner is ready and willing to deposit an amount of Rs.5,000/- 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 petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to "**the District Revenue Officer, Vellore District"** without prejudice to his rights and contentions before the trial Court.

8. 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.

9. 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.

10. Accordingly, the petitioner is directed to **deposit a sum of Rs.5,000/- (Rupees Twenty Five Thousand only) by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Vellore 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

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days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.IV, Vellore,** 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 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 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 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].

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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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