



Crl.O.P.No.13327 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 6(4) of the Tamil Nadu Schedule Commodities (RDSCS) Order 1982, Section 7(1)(a)(ii) of Essential Commodities Act 1955 in Crime No.138 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had found in illegal transportation of 1150 kgs of PDS rice worth about Rs.37,950/-. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and they have no way connected with the alleged offence. He would also submit that the petitioners are ready to abide by



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any condition that may be imposed by this Court and hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the petitioners had found in illegal transportation of 1150 Kgs of PDS rice worth about Rs.37,950/-. He further submit that the first petitioner has seven previous cases pending against him and the second petitioner has no previous case against him. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Merely, because the petitioners have deposited 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.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the first petitioner has seven previous cases pending against him, in respect of **A1 is dismissed.** As far as the second petitioner is



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concerned, this Court is inclined to grant anticipatory bail with certain conditions.

7. Accordingly, the second petitioner is directed to make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) by way of Demand Draft/RTGS/NEFT to the credit of 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 second 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, Coimbatore on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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:



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[a] the second 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 second petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]**;



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

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