



Crl.O.P.No.13497 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 6(4) of the Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and 7(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.63 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that, petitioner is falsely implicated in Crime No.63 of 2023, for the offences under Sections 6(4) of the Tamil Nadu Scheduled Commodities (RDCS) Order 1982 and 7(1)(a)(ii) of the Essential Commodities Act, 1955. He further submitted that, petitioner is only a Salesman in the shop. However, he has been falsely implicated for theft of rice of 550Kgs. Apprehending arrest, this petition is filed.

3. Learned Government Advocate (Crl.side) submitted that on 10.05.2023, at about 15.30 hours, respondent police found the first



Crl.O.P.No.13497 of 2023

accused, arranging the rice bags near the house of one Chinraj. On verification, they found 550 Kgs of PDS rice, which was sold by the petitioner to the first accused without any ration card or bill. On the basis of the confessional statement of the co-accused, petitioner has been implicated in this case. He further submitted that he has no previous case pending against him.

4. In the light of the submissions made by the learned counsel appearing for the parties that 550 Kgs of PDS rice was recovered and that the material part of the investigation might have been over by this time and that petitioner has no previous case pending against him, this Court is of the view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioner. Petitioner is directed to make a non-refundable deposit of **Rs.30,000/- (Rupees Thirty Thousand only) by way of Demand Draft/RTGS/NEFT** to the credit of the **Chief Minister's Public Relief Fund, Finance (CMPRF) Department**, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank,



Crl.O.P.No.13497 of 2023

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Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN:AAAGC0038F, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 II, Salem**, 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



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Crl.O.P.No.13497 of 2023

respondent police everyday at 10.30 a.m., until further orders;

[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

03.08.2023

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Crl.O.P.No.13497 of 2023

sli

Crl.O.P.No.13497 of 2023

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