



Crl.O.P.No.13827 of 2023

Crl.O.P.No.13827 of 2023

G.CHANDRASEKHARAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under **Sections 6[4] of TNSC (RDCS) Order 1982 read with Section 7[1][a][ii] of Essential Commodities Act 1955 in Crime No.97 of 2023** on the file of the respondent police, seeks anticipatory bail.

2.Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case registered for the offences under Sections 6[4] of TNSC (RDCS) Order 1982 read with Section 7[1][a][ii] of Essential Commodities Act 1955 in Crime No.97 of 2023. Apprehending arrest this petition has been filed by the petitioner.

3. Learned Government Advocate (Criminal side) submitted that on 18.05.2023, at about 20.00 hrs, when the respondent police were engaged in vehicle check near MGR Housing Board, they found a lorry bearing No.TN 03 AE 2044. On seeing the police, the driver without stopping the lorry tried to escape. After chase, vehicle was stopped. Police party arrested the accused and seized the vehicle along with 30 sacks, each containing 50 kgs of PDS Rice. They were apprehended.



CrI.O.P.No.13827 of 2023

During the investigation, it came to light that petitioner is the one, who procured rice that was meant for Public Distribution System, for selling at high price. There is no previous case pending against the petitioner.

4. Considering nature of the allegations and the fact that this is the first case registered against the petitioner and that rice and the vehicle had been seized, this Court is of the view that custodial interrogation of the petitioner is not necessary.

5. Accordingly, the petitioner is directed to make a non-refundable deposit of **Rs.50,000/- (Rupees Fifty Thousand only) Demand Draft to the credit of District Revenue Officer, concerned district**, 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 VI th Metropolitan Magistrate at Egmore**, 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



CrI.O.P.No.13827 of 2023

WEB COPY

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 without prejudice to his defence shall deposit a non-refundable sum of Rs.50,000/- (Rupees Fifty Thousand Only), by way of Demand Draft to the credit of District Revenue Officer, concerned district and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; 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.

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



WEB COPY



Crl.O.P.No.13827 of 2023

G.CHANDRASEKHARAN, J.

mpl

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

20.07.2023

mpl

Crl.O.P.No.13827 of 2023