



Crl.O.P.No.15267 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 6(4) TNSC (RDCS) Order 1982 read with 7(1)(a)(ii) of EC Act, in Crime No.134 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The learned counsel for the petitioners submitted that, petitioners have been falsely implicated in this case in Crime No.134 of 2023, registered for the offences under Sections 6(4) TNSC (RDCS) Order 1982 read with 7(1)(a)(ii) of EC Act on the basis of the confession statement of 2nd accused. Even as per the prosecution, the petitioners 2 and 3 are only collectors of rice from general public. The co-accused A2 and A5 were arrested and subsequently, released on bail. Thus, he prays for grant of anticipatory bail to the petitioners.



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3. In response, the learned Government Advocate (Crl. Side) appearing for the respondent, opposed this petition on the ground that, the petitioner are arrayed as A1, A3 and A5. A1 and A2, collected huge quantity of PDS rice and illegally transported the same to Andhra Pradesh. A1 and A3/petitioners 1 and 2 have one similar case pending against them. A4/3rd petitioner has no previous case. Investigation has not been completed.

4. Considered the submissions and perused the records.

5. It is seen from the FIR allegations that, on 20.06.2023, at about 00.10 hrs., when the respondent police was engaged in vehicle check, they stopped a Eicher Lorry bearing Regn. No. TN-70-A-2056 and on search, they found 216 bags of PDS rice, each containing 50 kgs., in total, 10800 kgs. of PDS. This rice according to the statement given by the 2nd accused namely Premkumar was sourced by one Hari, Dheena and Selvaraj/A3 to A5, from public. In the said process, they collected 17600 Kgs. of rice at the rate of Rs.5/- per Kg. for selling the same at Rs.15/-



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per kg. Thereafter, by keeping 6800 Kgs. of rice in the Godown, they transported the remaining 10800 Kgs. of PDS rice in the aforesaid Eicher Vehicle and get caught by the respondent police.

6. Considering the nature of offence committed in respect of rice meant for public especially, the public who really need of rice and having regard to the fact that the petitioners 1 and 2/A1 and A3 have one similar case pending against them in Crime No.313 of 2023 and Crime No.56 of 2023 respectively, this Court is not inclined to grant bail to the petitioners 1 and 2. **Accordingly, this Criminal Original Petition is dismissed insofar as the the petitioners 1 and 2 are concerned.**

7. Considering the allegations in the FIR against the **3rd petitioner/A4** that he has only procured rice from general public and also of the fact that he has no previous case against him, this Court is of the view that, custodial interrogation of the petitioner is not necessary. **Therefore, this Court is inclined to grant anticipatory bail to the 3rd petitioner with certain conditions.**



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8. Accordingly, the **3rd 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-I, Thiruvallur, Thiruvallur District**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 **3rd 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 **3rd petitioner** shall report before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter, every Saturday at 10.00 a.m., until further orders;



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[c] the **3rd petitioner** shall not tamper with evidence or witness either during investigation or trial.

[d] the **3rd 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 **3rd petitioner** in accordance with law as if the conditions have been imposed and the **3rd 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.

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