



Crl.O.P.No.15222 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Section 6 (4) of TNSC (RDCS) Order 1982 r/w Section 1 (1) (a) (ii) of E.C. Act, 1955, in Crime No.71 of 2023 on the file of the respondent police, seek anticipatory bail.

2.It is the submission of learned counsel for the petitioners that allegations made in the First Information Report against the petitioners that they had illegally possessed 840Kgs of PDS rice in 21 sacs, is totally false. Petitioner's house situate adjacent to the fair price shop. The rice was not recovered from the petitioner's house. Thus, he seeks anticipatory bail.

3.In response, the learned Government Advocate (Criminal side) submitted that PDS rice was seized from inside the house of the petitioners.

4.Considered the submissions and perused the records.



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5.The reading of the First Information Report shows that it is specifically stated that the accused had collected PDS rice from general public and kept in 21 sacs in front of their house. On coming to know about the visit of Police, they left the place leaving the PDS rice. However, the claim now made by the learned Government Advocate (Criminal side) on information given by the respondent Police that PDS rice was recovered from inside the house of the petitioners, is against the First Information Report allegations. There is fundamental flaw in the case of the respondent. In this view of the matter, this Court is inclined to grant anticipatory bail to the petitioners for the reason that custodial interrogation of the petitioners is not necessary. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate – I, Villupuram**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- each (Rupees Ten Thousand only) each with two sureties** each for a like sum to the satisfaction of the respondent police or



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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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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



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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.

19.07.2023

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