



CrI.O.P.No.15656 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 offence punishable under Section 6(4) of the Tamil Nadu Scheduled Commodities [RDSCS] Order, 1982 r/w Section (7)(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.48 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 19.05.2023, on receiving a secret information, he along with his team went to the scene of occurrence and found that the petitioners along with other accused had illegally transported 4300 kgs of PDS rice worth about 1,41,900/-, without obtaining any permission or license from the Tamil Nadu State Government. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent person and based on the confession statement of the arrested accused, they have been falsely implicated in this case. He



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would further submit that the petitioners are cooly workers and they were engaged by the main accused for the purpose of loading and unloading of the goods and they have nothing to do with the alleged contraband. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that on receiving a secret information, the defacto complainant along with his team went to the scene of occurrence and found that the petitioners along with other accused were in illegal possession of 4300 kgs of PDS rice, worth about Rs.1,41,900/-. He would further submit that there is one previous case pending against the first petitioner and as far as the second petitioner is concerned, there are two previous pending. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners would further submit that without prejudice, the petitioners are prepared to deposit a sum of Rs.75,000/- each as a non-refundable deposit to "**the District Revenue Officer, Dharmapuri District**" and they are ready to



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abide by any stringent condition that may be imposed by this Court.

Hence, he prays for grant of anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record including the FIR.

7. On considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) each to the credit of "The District Revenue Officer, Dharmapuri District", without prejudice to their rights and contentions before the trial Court.

8. 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.

9. Taking into consideration the facts and the submissions of both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are directed to **deposit a sum**



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of Rs.75,000/- (Rupees Seventy Five Thousand only) each by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Dharmapuri District", without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the 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 No.I, Dharmapuri**, on condition that the petitioners shall execute a separate 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 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**



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

17.07.2023

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