



Crl.O.P.No.16410 of 2023

Crl.O.P.No.16410 of 2023

G.CHANDRASEKHARAN, J.

The petitioners who apprehend 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[i]a[ii] of Essential Commodities Act 1955 in Crime No.92 of 2023** on the file of the respondent police, seek anticipatory bail.

2.Learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case registered for the offences under Sections 6[4] of TNSC (RDCS) Order 1982 read with Section 7[i]a[ii] of Essential Commodities Act 1955 in Crime No.92 of 2023. Apprehending arrest this petition has been filed by the petitioners.

3. Learned Government Advocate (Criminal side) submitted that petitioners were found illegally transporting 1,500 Kgs of PDS rice in a vehicle bearing No.TN 24 AX 3396 on 20.06.2023, at about 9.30 p.m. The vehicle and the PDS rice were seized. There is no previous case pending against the petitioners.

4. Considering nature of the allegations and the fact that this is the first case registered against the petitioners and that rice and the vehicle



Crl.O.P.No.16410 of 2023

had been seized, this Court is of the view that custodial interrogation of the petitioners is not necessary.

5. Accordingly, petitioners are directed to make a non-refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only) each Demand Draft to the credit of District Revenue Officer, concerned district**, without prejudice to their rights and contentions before the trial Court. On such deposit and production of proof, 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, Krishnagiri**, on condition that each of the petitioners 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 petitioners and the sureties shall affix their



Crl.O.P.No.16410 of 2023

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] Petitioners without prejudice to their defence shall deposit a non-refundable sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, 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 petitioners deposit 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.

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

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

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



WEB COPY



Crl.O.P.No.16410 of 2023

G.CHANDRASEKHARAN, J.

mpl

[f] 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].

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

27.07.2023

mpl

Crl.O.P.No.16410 of 2023