



Crl.O.P.No.16454 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely Samsu @ Shamsu, 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(i) a (ii) of the Essential Commodities Act, 1955 in Crime No.101 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that, petitioner is innocent and he has been falsely implicated in a case registered for the offences under Sections 6(4) of TNSC (RDCS) Order 1982 read with Section 7(i) a (ii) of the Essential Commodities Act, 1955 in Crime No.101 of 2023. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, on the ground that, on 05.07.2023, at about 7.15 p.m., when the police party were on their patrol duty near Naralapalli Junction, a vehicle bearing No.KA 08 2524 TATA 407 was found. Based on suspicion, the vehicle was stopped. At that time, the driver escaped from



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the place of occurrence. On search of the vehicle, it was found with 110 plastic sacks, each containing 50 kgs of PDS rice. The PDS rice and the vehicle was seized. The investigation in this case is pending. Therefore, he prays for dismissal of this petition.

4. Considering the nature, facts and circumstances of the case and the PDS rice and the vehicle were recovered and there is no similar previous case pending against the petitioner and that material part of the investigation might have been over by this time, this Court is inclined to grant anticipatory bail to the petitioner, for the reason that custodial interrogation of the petitioner is not necessary.

5. Accordingly, petitioner is 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 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



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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 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 shall deposit a sum of Rs.50,000/- as a non-refundable deposit by way of Demand Draft to the credit of District Revenue Officer, concerned District and the receipt of the same shall be produced before the concerned learned Magistrate at the time of execution of 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



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respondent police daily at 10.30.a.m., until further orders.

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

[e] the petitioner shall not tamper with evidence or witness 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.

26.07.2023

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