



Crl.OP.No.19831 of 2023

G.CHANDRASEKHARAN, J.

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This petition is filed to enlarge the petitioner/Accused-1 on bail in the event of his arrest pending investigation in Crime No.111 of 2023 on the file of the Inspector of Police, Civil Supplies CID, North Chennai Unit, Chennai.

2.The learned counsel for the petitioner submitted that petitioner is falsely implicated as an accused in Crime No.111 of 2023 for the offences under Section 6 (4) of TN Scheduled Commodities (RDCS) Order, 1982, and Section 7 (1) (a) (ii) of Essential Commodities Act, 1955. Thus, he prayed for grant of anticipatory bail.

3.In response, the learned Government Advocate (Criminal side) submitted that on 11.06.2023, at about 18.00 hours, respondent Police was engaged in vehicle check near Housing Board. On suspicion, they tried to stop the vehicle Mahindra Bolero bearing No.TN 05 CB 9702, but the driver without stopping the vehicle tried to escape. However, the vehicle was intercepted and the driver was apprehended. On search, it was found that there were sixty sacs, each containing 40Kgs of PDS rice, totally, 2400 Kgs of PDS rice. Petitioner is one who procured and the owner of the rice. He



further submitted that petitioner has similar case pending in Crime No.121 of 2020.

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4.This is the second anticipatory bail petition. Earlier anticipatory bail petition was dismissed on 20.07.2023 for the reason that petitioner along with the co-accused illegally procured and transported rice which is meant for public distribution system. Petitioner has similar case pending in Crime No.121 of 2020. Since the dismissal of the anticipatory bail petition on 20.07.2023, respondent police have not taken any steps for arresting the petitioner. It shows that they are not interested in arresting the petitioner. Therefore, to move the case to the next level, this Court is inclined to grant anticipatory bail to the petitioner.

5.Accordingly, the 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 VI Metropolitan Magistrate, Egmore, Chennai**, 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 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 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 petitioner shall report before the respondent police everyday morning at 10.00 a.m. and evening at 5.00 p.m. until further orders;

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

[d] the 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 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



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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.

30.08.2023

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