



Crl.O.P.No.19197 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 6(4) TN Scheduled Commodities (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.123 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 450 kgs of PDS rice. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. However, he would submit that without prejudice to their contention, the petitioners are ready and willing to make a non-refundable deposit of Rs.20,000/- to the Government. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) submitted that the petitioners were found in possession of 450 Kgs of PDS rice. He would further submit that no previous case is pending against the second petitioner and as far as the first petitioner is concerned, four previous cases are pending against him. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances and also the submission of the learned counsel on either side, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions. Taking note of the previous antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to him.

6. Accordingly, this Criminal Original Petition stands dismissed as against the first petitioner and in respect of the second petitioner, this Criminal Original Petition is ordered. Thereby, **the second petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as a non-refundable deposit to the credit of District Revenue Officer,**



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Krishnagiri District and on such donation, the second 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 Judicial Magistrate No.I, Krishnagiri**, on condition that the second petitioner shall execute a 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 second 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 second petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as a non-refundable deposit to the credit of District Revenue Officer, Krishnagiri District and the receipt of the same shall be produced before the concerned learned Magistrate at the time of execution of bond.



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[c] Merely, because the second 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.

[d] the second petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[e] the second petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the second petitioner shall not abscond either during investigation or trial;

[g] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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]*; and;



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[h] if the accused thereafter absconds, a fresh FIR
can be registered under Section 229-A IPC.

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