



Crl.O.P.No.21492 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 6(4) TN Scheduled Commodities (RDCS) Order r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.93 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and along with other accused are alleged to have illegally transported 1800 Kgs of PDS in Mahindra Van. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, he would submit that without prejudice to his contention, the petitioner is ready and willing to make a non-refundable deposit of Rs.10,000/- to the Government. Hence, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.21492 of 2023

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4. The learned Government Advocate (Crl.side) submitted that the petitioner along with other accused have illegally transported 1800 Kgs of PDS in Mahindra Van. He would further submit that the petitioner is having one previous case pending against him. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances and also the submission of the learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, **the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as a non-refundable deposit to the credit of District Revenue Officer, Krishnagiri District** and on such donation, 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 Judicial Magistrate No.1, Krishnagiri**, on condition that the petitioner shall



CrI.O.P.No.21492 of 2023

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 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 deposit a sum of Rs.10,000/- (Rupees Ten 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.

[c] 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.

[d] the 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.



Crl.O.P.No.21492 of 2023

WEB COPY

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

[f] the 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 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]*; and;

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

21.09.2023

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Crl.O.P.No.21492 of 2023

RMT.TEEKAA RAMAN, J.
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Crl.O.P.No.21492 of 2023

21.09.2023