



Crl.OP.No.20432 of 2023

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RMT.TEEKAA RAMAN, J.

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The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Section 6(4) of TN Scheduled Commodities [RDCS] Order, 1982 and 7(1)(a)(II) of Essential Commodities Act, 1955 in Crime No.102 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 26.08.2023, the Respondent police found one Vijay in Ecco van bearing Reg. No.TN 28 CZ 6833 with ration rice. On confession statement given by Vijay, the Petitioner, who is the owner of the said vehicle was implicated in this case. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioner is an innocent person and no way connected with this case and he was falsely implicated in this case. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that the Petitioner was illegally transported rice, which was supposed to be distributed to the public in Public Distribution Scheme. He vehemently opposed to grant anticipatory bail to the Petitioner.

5.Heard both sides and perused the materials available on record.

6.Taking into consideration the facts and the submissions made by



the learned counsel on either sides and the nature and gravity of the alleged offence, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

7. Accordingly, the Petitioner is directed to deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) to the credit of Crime No.102 of 2023, without prejudice to his rights and contentions before the trial Court and on such deposit and production of proof before the trial Court, the Petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate II, Namakkal**, on condition that the Petitioner shall execute a separate 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 report before the Respondent Police, everyday at 10.30 a.m., for a period of four weeks and thereafter as and when required;**



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[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 down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

11.09.2023

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