



CrI.O.P.No.20402 of 2023

CrI.O.P.No.20402 of 2023

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 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.135 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and along with other accused were found in possession of 4500 Kgs of PDS rice in a van which is worth about Rs.25,000/-. 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 petitioners.



Crl.O.P.No.20402 of 2023

WEB COPY

4. The learned Government Advocate (Crl.side) submitted that the petitioners along with other accused were found in possession of 4500 Kgs of PDS rice, which is worth about Rs.25,000/-. He would further submit that the 2nd petitioner is having one previous case against him. Hence, 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 for the petitioners, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, **the petitioners shall deposit a sum of Rs.20,000/- (Rs.10,000/- each) 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.I, Krishnagiri**, on condition that the petitioners shall



CrI.O.P.No.20402 of 2023

execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall deposit a sum of Rs.20,000/- (Rs.10,000/- each) 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four



CrI.O.P.No.20402 of 2023

weeks and thereafter as and when required for interrogation.

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

[f] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

05.09.2023

ata



WEB COPY



Crl.O.P.No.20402 of 2023

RMT.TEEKAA RAMAN, J.

ata

Crl.O.P.No.20402 of 2023

05.09.2023