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Crl.O.P.No.21737 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 Section 6(4) of the Tamil Nadu Scheduled Commodities [RDSCS] Order, 1982 r/w Section (7)(1)(ii) of the Essential Commodities Act, 1955, in Crime No.18 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.02.2023 at about 20.00 hours, based on the secret information received by the respondent police, they found that the petitioner along with other accused in possession of 3500 Kgs of PDS rice, worth about Rs.19,775/-, without obtaining any permission or license from the Tamil Nadu State Government. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely roped in this case. He would further submit that in the earlier anticipatory



Crl.O.P.No.21737 of 2023

bail petition, the petitioner was granted anticipatory bail by this Court in Crl.O.P.No.6065 of 2023, dated 17.03.2023 on condition to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) by way of Demand Draft/RTGS/NEFT to the “District Revenue Officer, Chennai”, within a period of fifteen days from the date of receipt of a copy of that order. However, the petitioner could not paid the said amount and the time granted by this Court itself got expired. Now, the petitioner is ready and willing to deposit the said amount and hence, this second anticipatory bail petition.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with other accused were in possession of 3500 Kgs of PDS rice, worth about Rs.19,775/-, without obtaining any permission or license from the Tamil Nadu State Government. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.



Crl.O.P.No.21737 of 2023

WEB COPY

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the facts and circumstances and also taking into consideration the submission made by the learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is directed to **deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Chennai",** without prejudice to his rights **on or before 10.10.2023, failing which anticipatory bail granted by this Court shall stands automatically cancelled**, and on such deposit, 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-8, on**



Crl.O.P.No.21737 of 2023

condition that the petitioner shall execute bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties 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 two weeks and thereafter as and when required for interrogation.

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



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CrI.O.P.No.21737 of 2023

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]**.

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

21.09.2023

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Crl.O.P.No.21737 of 2023

21.09.2023