



Crl.O.P.No.28412 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent Police for the offences punishable under Sections 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 read with 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.182 of 2023 on the file of the Respondent Police, seeks anticipatory bail.

2. The learned counsel for the Petitioner stated that the Petitioner is an innocent person and he has been falsely implicated in the case registered in Crime No.182 of 2023, for the offences under Sections 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 read with 7(1)(a)(ii) of Essential Commodities Act, 1955. Thus, he seeks anticipatory bail to the Petitioner.

3. It is stated by the learned Government Advocate (Criminal Side) that on 10.10.2023, at about 21.30 hours, the defacto complainant along with the Respondent Police were engaged in routine surveillance near Saravanabavan Hotel NH road Subetharmedu. At that time, A1 who is the



Crl.O.P.No.28412 of 2023

Driver of the vehicle bearing Registration No.KA 53 3324 was arrested with 6080 Kgs of PDS rice (152 bags each containing 40 Kgs). A1 had been taken into custody. The vehicle and the PDS rice had been seized. A2 is the Petitioner herein. Petitioner is the owner of the vehicle and also said to be the owner of the contraband. Thus, he prayed for dismissal of this petition.

4. The first application seeking anticipatory bail in Crl.O.P.No.24328 of 2023 was dismissed on 20.10.2023 and the second application seeking anticipatory bail was dismissed on 22.11.2023 in Crl.O.P.No.26462 of 2023. This only indicates that applications for anticipatory bail will be continuously filed and the Court will have to pass orders. It is stated by the learned Government Advocate (Criminal Side) that the investigation has proceeded to a substantiate extent.

5. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions that **the Petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Dean, Government General Hospital, Krishnagiri for treatment of needy patients.** Accordingly, the Petitioner is



CrI.O.P.No.28412 of 2023

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 Judicial Magistrate No.I, Krishnagiri**, on condition that the 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 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.50,000/- (Rupees Fifty Thousand only) to the credit of the Dean, Government General Hospital, Krishnagiri for treatment of needy patients.

[c] the petitioner shall report before the Respondent Police daily at 10.30 a.m., until further orders.



Crl.O.P.No.28412 of 2023

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

20.12.2023

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Crl.O.P.No.28412 of 2023

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Crl.O.P.No.28412 of 2023

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