



Crl.O.P.No.925 of 2024

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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) TN Scheduled Commodities (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.124 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 this case and thus, he seeks anticipatory bail to the petitioner.

3. It is stated by the learned Government Advocate (Crl. Side) that on 01.10.2023 the defacto complainant along with the respondent police were engaged in routine surveillance near Tiruchengode, Mallasamundram and Nathamedu. At that time, the petitioner was found in possession of 1000 kgs of PDS rice. On seeing the respondent, he escaped from the scene of occurrence. It is also stated that the petitioner was involved in illegal buying and selling of PDS rice. Thus, he prayed for dismissal of this petition.



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4. The earlier application in Crl. O.P. No.24125 of 2023 seeking anticipatory bail to the petitioner was dismissed on 20.10.2023.

5. However taking all the factors into consideration and considering the fact that at this time, the subsequent investigation had been completed, 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.25,000/- (Rupees Twenty-Five Thousand only) to the credit of the Tamil Nadu Advocate's Clerk's Association, Indian Bank High Court Branch in Account bearing No.484026006.** Accordingly, 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 Judicial Magistrate No.II, Namakkal**, 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:



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[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.25,000/- (Rupees Twenty-Five Thousand only) to the credit of the Tamil Nadu Advocate's Clerk's Association, Indian Bank High Court Branch in Account bearing No.484026006.

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

[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**



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SCW 5560].

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

24.01.2024

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