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Crl.O.P.No.2743 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner / A7, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(4) of TNSC (RDGS) order 1982 r/w Section 7(i)(a)(ii) of EC Act, 1955 in Crime No.83 of 2023, seeks anticipatory bail.

2.It stated that A1 and A2 were found in possession of 4000 Kgs of PDS rice in a vehicle bearing registration No.KA-43A-1060. A1 to A5 had been arrested and they had been granted bail by the learned Judicial Magistrate – I, Thiruvallur. It is stated that this petitioner and A6 who incidentally is absconding, were mediators / brokers, who procure the PDS rice.

3.The learned counsel for the petitioner complained that the matter is adjourned by three hearings. But this Court wanted to know



Crl.O.P.No.2743 of 2024

about the inclination or otherwise of A6 to subjugate himself to the judicial process. But A6 is not inclined to seek any relief before this Court.

4.In the counter it had been stated that there is one previous case against the petitioner herein, but let me not hold that against the petitioner and grant anticipatory bail to him. However, to sensitize him, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Crime No.83 of 2023 before the learned Judicial Magistrate – I, Thiruvallur and on such deposit, the learned Judicial Magistrate – I, Thiruvallur, may hand over the said amount to the responsible officer, Government General Hospital, Thiruvallur District, for treatment of needy patients.

5.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 learned Judicial Magistrate – I, Thiruvallur, on condition that the petitioner shall



Crl.O.P.No.2743 of 2024

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 report before the respondent police everyday at 10.30 a.m., until further orders.

[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]**.



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Crl.O.P.No.2743 of 2024

C.V.KARTHIKEYAN, J.

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

27.02.2024

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Crl.O.P.No.2743 of 2024