

Crl.O.P.No.9490 of 2024

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Section 6 (4) of TNSC (RDCS) Order, 1982 and Section 7(1)(a)(ii) of EC Act, 1955 in Crime No.108 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that on 10.04.2024 the defacto complainant, who is the Sub Inspector of Police lodged a complaint stating that on secret information he went to the spot and found that some persons are illegally transport the PDS Rice at LNT Bye Pass Road Palakkad Road Near Toll Gate. At the time one Lorry Bearing Registration No.Tn-69-AF-7834 was illegal loading the PDS, on seeing the respondent police they are trying to escape from that place, but the respondent police caught hold A1. Thereafter made an enquiry with A1, the respondent police searched the vehicle it was possession Double Horse Branch 360 bags x 50 Kgs = 18000 Kgs. And Taj Mahal Gold 80 bag x 26 Kgs. = 2080/- Total 20080 Kgs. of PDS Rice. The respondent police seized the vehicle with PDS Rice. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner was not involved in the above said offence. The petitioner is the owner of K.M.Store. On investigation it reveals that the petitioner's name was implicated in this case. He is ready to furnish sufficient sureties for his release on bail. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) vehemently opposed for grant of anticipatory bail to the petitioner.

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

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on

which the order copy made ready, before the learned Judicial Magistrate-IV, Coimbatore, 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 the petitioner, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Thirty Thousand Only) to the credit of Aram Seya Virumbu, A/c.No.423150050800264, IFSC Code - TMBL0000423, Tamil Nadu Mercantile Bank, Ambasamudram, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

(c) the petitioners shall appear before the respondent police on every Saturday at 10.30 a.m., for a period of 12 weeks;

(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 Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

18.04.2024

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