



Crl.O.P.No.9967 of 2024

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T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6 (4) of the Schedule Commodities (RDCS) Order, 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.69 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 25.03.2024, when the respondent police went near the petitioner's house, they found that the petitioner along with other accused loaded PDS rice in a vehicle bearing registration NO. TN 46 A 4243 and the respondent police seized 13 bags of PDS rice each weighed 50kgs kept in the vehicle and 8 bags of rice each weighed 50 kg which were kept near the vehicle. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an person and he has not committed any offence as alleged



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by the prosecution. He would submit that based on the confessional statement of A2, he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) for the respondent police submitted that petitioner/A1 along with other accused person were in possession of 1050 Kgs of PDS rice. He would submit that there is no previous case as against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made by the learned counsels on either side and considering the fact that on the confession of co-accused the petitioner has been implicated, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only)** as non-refundable to the



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credit of the registered **“Advocates Clerks Association, Salem”** and on such deposit and production of proof, , the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance before the **learned Judicial Magistrate No.2, Salem,** 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 is directed to report before the respondent police on every Saturday for a period of eight weeks and thereafter, as and when required for interrogation.

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



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[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]**;

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

24.04.2024

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