



Crl.O.P.No.12669 of 2024

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C.SARAVANAN, J.

The petitioner/2nd accused, apprehending arrest in the hands of the respondent Police for the offences punishable under Section 6(4) of the Tamil Nadu Scheduled Commodities (RDCS) order 1982 and Section 7(1) (a) (ii) of Essential Commodities Act, 1955, in Crime No.108 of 2024 seeks Anticipatory Bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 20080 Kgs of PDS rice. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he is no way connected with the alleged offence. He would also submit that the petitioner is 2nd accused in this case and he is from Palakad. He would further submit that the co-accused/3rd accused granted bail by this Court vide its order dated 18.04.2024 in Crl.O.P.No.9490 of 2024. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner was found in illegal possession of 20 tonnes (20080 Kgs) of PDS rice. He would also submit that the petitioner has no previous case against him. However, he vehemently opposed to grant Anticipatory Bail to the petitioner.

5. Heard the submissions made on either side and perused the materials available on record.

6. The records filed before this Court indicate that 3rd accused has been granted anticipatory bail by this Court vide its order dated 18.04.2024 in Crl.O.P.No.9490 of 2024. The learned counsel for the petitioner also states that 4th and 5th accused were also released on bail. It is submitted that the petitioner is an innocent buyer of the PDS rice, which was sold by the 1st accused, unaware of the fact that the petitioner/2nd accused would be violating the law namely the Tamil Nadu Scheduled Commodities (RDCS) order 1982, and Section 7 (1) (a) (ii) of the Essential Commodities Act, 1955.

7. According to the petitioner, he is a *bona fide* purchaser of PDS rice



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from 4th accused, who is a rice broker and no way connected with the main accused namely 1st accused, the owner of Lakshmi Datta Raw Rice Mill.

8. Learned Additional Public Prosecutor confirms that the petitioner has no history of any involvement in the Crime in Tamil Nadu.

9. Having considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent Police, this Court inclined to grant Anticipatory Bail to the petitioner as already 3rd accused has been granted Anticipatory Bail by this Court on 18.04.2024 in Crl.O.P.No.9490 of 2024 and the 4th and 5th accused also have been granted bail by the Court below. The petitioner shall however produce a blood surety as the petitioner is from Palakad, Kerala and appear before the respondent as and when required for interrogation.

10. Accordingly, the petitioner shall be released on bail in the event of arrest or on his appearance immediately on the following conditions :-

(a) the petitioner shall appear before the Special



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Court for TNSC Order 1982 and Essential Commodities Act 1955, Coimbatore within a period of fifteen days from the date on which the order copy made ready.

(b) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (out of the two sureties one be a blood surety), each for a like sum to the satisfaction of the Special Court for TNSC Order 1982 and Essential Commodities Act 1955, Coimbatore.

(c) 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.

(d) the petitioner shall report before the respondent Police as and when required for interrogation;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(f) the petitioner shall not abscond either during investigation or trial.

(g) 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



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in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

(h) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

24.05.2024

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