



Crl.O.P.No.15905 of 2024

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T.V.THAMILSELVI,J.

The petitioner/A3, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Section 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.109 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that, on 21.06.2024, at about 07.00 a.m, the respondent police have received a secret information about the illegal transportation of PDS ration rice. Then, the respondent police went to the scene of occurrence near Kumaran Provision Store, Pudukuraipettai, Virudhachalam. During the vehicle checkup, the petitioner along with other accused were found in illegal transportation of 1300 kgs of PDS Rice (26 White Gunny bags), each bags 50 kgs in one Mahandra Balero bearing Registration No. TN 12 AZ 8635 without any valid permission or license from the State Government and they seized the same. Hence, the complaint was registered against the petitioner.



3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case for statistical purpose. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent opposed this petition, stating that, totally there are 3 accused involved in this case and the petitioner is arrayed as A3. He submitted that the petitioner along with other accused were found in illegal transportation of 1300 kgs of PDS Rice and on the date of occurrence, A1 and A2 took the PDS Rice and went to hand over the same to the petitioner for selling of the PDS Rice to the poultry farm for their personal gain. He further submitted that the investigation in this case is not completed and it is in initial stage. If the petitioner is released on bail, he would hamper the investigation and tamper the evidence, which would create hardship to proceed the investigation proceedings of this case. Hence, he would vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions



made by the learned counsels, and also the fact that investigation in this case is not completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on **anticipatory 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 No.1, Cuddalore**, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (**Rupees Ten Thousand only**) with two sureties (**out of which, one surety must be blood surety**), 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 and on further condition that:

[a] the petitioner shall deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of **“The Vallalar Sathyagnana Sabai, Vadalur”**. On such deposit, the receipt of the same shall be produced to the concerned Magistrate.

[b] 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;



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[c] the petitioner shall report before respondent police alternative days at 10.30 a.m, for a period of eight weeks and thereafter, as and when required for interrogation;

[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 SCW 5560]**;

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

08.07.2024

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