



Crl.O.P.No.19072 of 2024

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P.DHANABAL,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 6(2), 6(3) of TN Scheduled Commodities (RDCS) Order 1982 r/w Section 7(1)(a)(II) of Essential Commodities Act, in Crime No.24 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a sales person in co-operative PDS shop. During a visit by a flying squad on 24.01.2024, stock differences were found, totally worth about Rs.12,950/-. The further allegation is that the petitioner was directed to pay the stock difference, for which, he has paid the amount. As a result, he was suspended for not discharging his duty of maintaining the stock. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated, even after depositing the amount for the difference in the stock of commodities. He further submitted that the petitioner has not committed any offence as alleged



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by the prosecution. He would further submit that he is ready to abide by any conditions that may be imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is a sales person in a co-operative PDS shop, and there is a shortage of stocks worth about Rs.12,950/- for which the petitioner was responsible. He further submitted that the amount has been repaid by the petitioner. He further submitted that the petitioner has no previous case pending against him and the investigation was also completed. However, he strongly opposed for the grant of anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the submissions made by the learned counsel on either side, and considering the fact that the disputed amount was already deposited by the petitioner, and the petitioner has no previous case and also



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considering all other factors, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Court No.I, Kallakurichi, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks and thereafter as and when required for interrogation.

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

[c] the petitioner shall not abscond either during investigation or trial.



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[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

12.08.2024

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