



Crl.O.P. No.24298 of 2024

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P. DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 6(4) of the TN Scheduled Commodities (RDCS) Order 1982 r/w. Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.177 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the respondent police conducted check up, at that time, they found that the accused persons were illegally transported 1050Kgs. of PDS rice in 21 bags containing 50Kg. each. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner is an innocent person and he had not indulged in any illegal activities as alleged by the prosecution and he has been falsely implicated in this case by the respondent police. There is no previous case as against this petitioner. Hence, he seeks anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the accused person was illegally transported 1050Kgs. of PDS rice in 21 bags containing 50 Kg. each. The rice bags were seized by the concerned authorities. The petitioner is having two previous cases, in that case, he already released on bail. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offence and the quantity of material involved in this case and considering the age of the petitioner, the rice bags were seized by the concerned authorities, though the petitioner is having two previous case, in those cases, he already released on bail and also considering other aspects, this court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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[a] the petitioner shall report before the respondent police daily at 10.00a.m. for the period of thirty days;

[b] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioner shall not leave India without the prior permission of the Court.

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



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[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 269 B.N.S.2023.

17.10.2024

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