



Crl.O.P.No.26992 of 2024

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P.DHANABAL,J

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 6(4) of the Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) Order, 1982 (in short “*TNSC (RDCS) Order*”) , read with Section 7(1)a(ii) of the Essential Commodities Act, 1958 (in short “*E.C. Act*”), in Crime No.249 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that on 17.10.2024, during a routine patrol near Ambur Kanigapuram Green City Mohan's house, the respondent police on suspicious intercepted a lorry bearing Registration No.TN-20-CT-7822 Ashok Leyland Dost where they found 2000 Kg of PDS rice. Upon enquiry, they found that the petitioner and the co-accused had conspired to illegally transport the PDS rice meant for Public Distribution System (PDS). Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is owner of the said vehicle and he has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case and only based on the confession of co-accused/A1, the petitioner was arrayed as accused/A2 in this case and the co-accused has also been secured. Therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for



Crl.O.P.No.26992 of 2024

the respondent police vehemently opposed to grant anticipatory bail to the petitioner stating that the petitioner was arrayed as A2, based on the confession statements given by the co-accused/A1. Further, the learned Government Advocate emphasized that the quantity involved in this case is 2000 Kg of PDS rice, seized from a lorry owned by the petitioner.

5. Heard the learned counsel on either side and perused the material available on records.

6. Considering the submissions made on either side, the nature of the offence and the quantity of material involved in this case was seized and taking note that the petitioner is only a owner of the vehicle, and based on the confession of the co-accused, the petitioner has been arrayed as A2, and also considering the fact that there is no previous case pending against the petitioner, 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 (15) days from the date of receipt of a copy of this order before the **learned Judicial Magistrate-IV, Vellore District**, 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 and on further condition that:

[a] the petitioner shall report before the respondent police every



Crl.O.P.No.26992 of 2024

Saturday at 10.30 a.m. for a period of eight (8) weeks;

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[b] the petitioner shall not commit any offences of similar nature;

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

[d] the petitioner shall not tamper with evidence or witness either during the investigation or during the 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 was 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of the B.N.S.

28.10.2024

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Crl.O.P.No.26992 of 2024

klt

Crl.O.P.No.26992 of 2024

28.10.2024