



Crl.O.P.No.27442 of 2024

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A.D.JAGADISH CHANDIRA.,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 6(4) of the Tamil Nadu Scheduled Commodities (RDCS) 1982, r/w 7(1)(a)(ii) of Essential Commodities Act, 1958, in Crime No.324 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the on 24.10.2024 the petitioner was found in illegal possession of 50 kgs X 3 bags = 150 kgs, 50 kgs X 35 bags = 1750 kgs and 50 kgs X 22 bags = 1100 kgs of PDS rice, without any valid licence. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 45 years, is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is no way connected with the alleged offence. Hence, he prayed to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that petitioner was found in illegal possession of 50 kgs X 3 bags = 150 kgs, 50 kgs X 35 bags = 1750 kgs and 50 kgs X 22 bags = 1100 kgs of PDS rice, without any valid licence. He further



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submitted that no previous cases are pending against the petitioner. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Accordingly, the petitioner shall make a non-refundable deposit of **Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Taluk Supply Officer, Coimbatore District, within a period of two weeks** and on such deposit, 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 – IV, Coimbatore***, 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



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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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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;

(b) the petitioner shall report before the respondent police everyday at 10.30 p.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or 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 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]*; and;

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

05.11.2024

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