



Crl.O.P.No.28076 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioners/A1, A2 and A3 in Crime No.149 of 2023 registered by the Respondent Police for the offences under Sections 6(4) TNSC (RDCS) order 1982 read with 7(1)(a)(ii) of EC Act, 1955, seek anticipatory bail with respect to an occurrence which took place on 05.12.2023.

2. The learned counsel for the Petitioners stated that the Petitioners are innocent persons and they have been falsely implicated in this case by the Respondent Police. Thus, he prays for grant of anticipatory bail to the Petitioners herein.

3. The learned Government Advocate (Criminal Side) stated that the Accused A4 and A5, who are the driver and cleaner of the vehicle bearing registration No.TN29 CY 1268 were taken into custody and totally 1050 Kgs of PDS rice had been recovered from the vehicle. It is stated that they had confessed about the role of the present Petitioners. The Accused A1 is the owner of the rice and the Accused A2 and A3 had collected the rice from the general public to hand it over to the Accused A1. He also stated that



there are three previous cases of similar nature as against the Accused A1.

4. Taking these factors into consideration, this petition is dismissed as against the 1st Petitioner/A1. But however, this Court is inclined to grant anticipatory bail to the 2nd and 3rd Petitioners with certain conditions. Accordingly, the 2nd and 3rd Petitioners are ordered to be released on 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 Judicial Magistrate – I, Dharmapuri**, on condition that the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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.



Crl.O.P.No.28076 of 2023

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[b] the 2nd petitioner shall report before the Respondent Police once in a week i.e., on every Saturday at 10.30 a.m., for a period of three weeks and the 3rd petitioner shall report before the Respondent daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for the interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229A IPC.



Crl.O.P.No.28076 of 2023

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6. Accordingly, this Criminal Original Petition stands dismissed as against the 1st Petitioner and allowed as against the 2nd and 3rd Petitioners.

03.01.2024

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Crl.O.P.No.28076 of 2023

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Crl.O.P.No.28076 of 2023

03.01.2024