



Crl.O.P.No.29855 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 6(4) of Tamil Nadu Schedule Commodities (RDCS) Order 1982 and 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.367 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, while the respondent police is on their inspection duty near Nayara Petrol Bunk, Podhanur to Chettipalayam Road, Coimbatore, they found 3000 Kgs of PDS rice were illegally transported in three vehicles and on enquiry, it is found that the petitioners herein along with other accused have involved in the illegal transportation of PDS rice, for selling the same to the general public for higher price. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners without prejudice to their contentions, prepared to deposit amount, as ordered by this Court, towards any



charitable organization or association. Therefore, he prays for the grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for the grant of anticipatory bail to the petitioners, would submit that there are totally 7 accused involved in illegal transportation and selling of PDS rice of about 3000 kgs. He would further submit that the first petitioner has no similar previous case and he had colluded with A1 and A2 collected PDS rice from local area around Pollachi at low cost for selling the same to A4 at higher cost for personal gain. He would further submit that the second petitioner has one similar previous case and he had illegally purchased the PDS rice from A1 to A3. He would further submit that both the petitioners have involved in other case in Crime No.107 of 2024 on the file of Sundarapuram Police Station, which is a communal issue case and the investigation is still pending.

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



6. On considering the voluntary submission made by the learned counsel for the petitioners, the first petitioner is directed to deposit a sum of Rs.17,000/- and the second petitioner is directed to deposit a sum of Rs.34,000/-, as non refundable deposit to "The District Revenue Officer, Coimbatore District", without prejudice to their rights and contentions before the trial Court.

7. Merely because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the above 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 petitioners with certain conditions.

9. Accordingly, the first petitioner shall make a non refundable deposit of **Rs.17,000/- (Rupees Seventeen Thousand only)** and the second petitioner shall make a non refundable deposit of **Rs.34,000/- (Rupees Thirty Four Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **“The District Revenue Officer, Coimbatore District”** and on such



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deposit and production of proof, the 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 ***learned Judicial Magistrate No.IV, Coimbatore***, on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] **the petitioners shall stay at Thirupattur and report before the Civil Supplies CID everyday at 10.30 a.m., until further orders;**

[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;



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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 abscond, a fresh FIR can be registered under Section 269 of BNS.

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