



Crl.O.P.No.30194 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 6(4) of Tamil Nadu Schedule Commodities (Regulation of Distribution Through Card System) Order 1982 r/w. Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.243 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused have committed theft of 2,550 Kilograms of PDS commodities in a TATA 207 Mini Lorry bearing Registration No.AP-03-TD-4799, without any permission. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.10,000/- towards any charitable organization or association. Therefore, he prays for the grant of



anticipatory bail to the petitioner.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for the grant of anticipatory bail to the petitioner, would submit that the accused had illegally transported 2,550 kilograms of PDS Rice. He would further submit that the petitioner is the rice receiver and there is no previous case pending as against the petitioner.

5. Heard the learned counsel appearing for the petitioner 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 petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- as non refundable deposit to "The District Revenue Officer, Vellore District", without prejudice to his rights and contentions before the trial Court.

7. Merely because the petitioner deposits 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.

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8. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side that there is no previous case pending as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the “**The District Revenue Officer, Vellore District**” and on such deposit and production of proof, 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 No.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 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 Petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and



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the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

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[b] the Petitioner shall report before the respondent police everyday at 10.30 a.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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

04.12.2024

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