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Crl.O.P.No.203 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 203 of 2025

RAJASEKAR alias THAMBI
S/o. Maheswaran, No.53, Valliammal Layout,
Nethaji Road, Pollachi, Coimbatore District and 3
Others

Petitioner(s)

Vs

State rep. by its The Inspector of Police
CIVIL SUPPLY - CID, POLLACHI, Coimbatore
District (Crime No.425 of 2024)

Respondent(s)

For Petitioner(s): Camyles Gandhi W

For Respondent(s): Public Prosecutor

ORDER

The petitioners, 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 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.425 of 2024, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that, based on secret information, the respondent police went to the spot and found that the co-accused persons were involved in illegal theft and transportation of 2500 kilograms of PDS rice (50 bags each containing 50 kilograms) in their vehicles. The respondent police arrested A5 and based on his confession, the petitioners herein were arrayed as accused. 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 the petitioners herein have involved in illegal transportation and selling of 2500 kilograms of PDS rice along with other accused. He would further submit that the first petitioner has one previous case



of similar nature and other petitioners have no previous case and investigation is 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.10,000/- and other petitioners are directed to deposit a sum of Rs.2,000/- each, 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 counsels on either side, this Court is



inclined to grant anticipatory bail to the petitioners with certain conditions.

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9. Accordingly, the first petitioner shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** and the other petitioners shall make a non refundable deposit of **Rs.2,000/- (Rupees Two Thousand only) each** by way of Demand Draft/RTGS/NEFT to the credit of the “**The District Revenue Officer, Coimbatore District**” and on such 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;



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[b] **the petitioners shall report before the respondent police 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;

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

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A.D. JAGADISH CHANDIRA, J.

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To

1. State rep. by its The Inspector of Police
CIVIL SUPPLY - CID,
POLLACHI,
Coimbatore District.
(Crime No.425 of 2024)

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