



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.636 of 2018

N. RAMESH

... PETITIONER/ 2nd ACCUSED

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE
C.S.C.I.D. VIRUDHUNAGAR DISTRICT ,
(IN CRIME NO. 142/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.MAHALINGAM Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

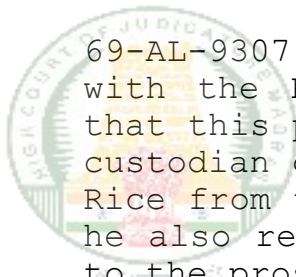
ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 6(2), 6(3), 6(4) of TNSC(RDCS) Order, 1982 r/w. 7(1)(a)(ii) of E.C. Act, 1955, in Crime No.142 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 12.12.2017 around 1.30 a.m. the respondent police found a Bolero Lorry bearing Registration No.TN-69-AL-9307 and another Lorry bearing Registration No.TN-75-A-6139 which were in possession of 9 ½ Tones of Rice, before the Q1189-ED-018 Ration Shop No.2 at Mamsapuram- Rajapalayam Main Road. Thereby, the respondent police arrested A4, A7 and A8 on the spot and registered the case for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He further stated that based on the confession given by A1 and A4, this petitioner has been implicated in this case. Hence, he pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioner and other accused persons involved in the illegal transportation of 9 ½ Tones of PDS Rice through Lorries bearing Registration Nos.TN-



69-AL-9307 and TN-75-A-6139 and the properties have been recovered with the Rice. Further he added that preliminary enquiry reveals that this petitioner is the Manager of the Ration Shop and he is the custodian of the Key. So, without his knowledge, no one can take the Rice from the Ration Shop. Further he added that A4 is the watchman, he also responsible for the safeguard of the Ration Shop. According to the prosecution, the investigation is still pending.

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5. The submissions made by learned counsel on either side are considered. According to the prosecution, the investigation is still pending. It is alleged that during the time of the alleged occurrence, the petitioner and 12 other accused persons were committed in the illegal transportation of PDS Rice weighing about 9 ½ Tones through Lorries bearing Registration Nos.TN-69-AL-9307 and TN-75-A-6139. Eventhough, the petitioner was implicated in this case as per the confession given by A1 and A4, the actual involvement of the petitioner is a matter for investigation. So, considering the nature and gravity of an offence committed by the petitioner, custodial interrogation is necessary for completing the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

sd/-

25/01/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE
C.S.C.I.D. VIRUDHUNAGAR DISTRICT ,
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

pjl

JAM/07/02/2018/PM-PN/ SAR 1 / 2p-3c

ORDER

IN

CRL OP(MD) No.636 of 2018

Date :25/01/2018