

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 8015 of 2020

S. Prabhu,
S/o. Selvaraj,
No. 27, Nethaji Nagar,
Kuruppanaichenpallayam,
Bhavani Taluk,
Erode District.

.. Petitioner/ Accused

Vs.

The State rep. by its
The Inspector of Police,
Civil Supplies CID, Krishnagiri,
Krishnagiri District.
[Crime No. 122 of 2019]

.. Respondent/ Complainant

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner : Mr. C. Prakasam

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for alleged offence punishable under Section 6(4) of TNSC (RDCS) order 1982 read with Section 7(1) a (ii) of EC Act, 1955, in Crime No. 122 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that, on 22.11.2019, when the defacto complainant and Police party were checking the vehicles near Krishnagiri toll gate, they intercepted a Lorry bearing Registration No. KA-01-AD-7155. On enquiry, the driver and other persons in the Lorry informed the defacto complainant that they are transporting rice to Bangarupettai, Karnataka, for sale. On search, the defacto complainant found 350 bags of PDS rice each 50 kgs, which is meant for distribution to the poor public, being transported without any permission or document. The said accused were arrested and the Lorry with rice bags were seized. On complaint, a case has been registered under Section 6(4) of TNSC (RDCS) order 1982 read with Section 7(1) a (ii) of EC Act, 1955.

3. The learned counsel appearing for the petitioner submitted that the petitioner is law abiding citizen, he has nothing to do with the alleged offence. The Crl. M.P. No. 32548 of 2019 filed by the petitioner for anticipatory bail was dismissed by this Court on 03.12.2019, on the ground that the petitioner is having 11 previous cases. Whenever the Police seized the Lorry with PDS rice, the petitioner and A1 will be implicated by the respondent Police. The investigation is completed and prayed for granting anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner and other accused persons were transporting 350 bags of PDS rice each 50 kgs, meant for poor people, without any permission or document. The petitioner is habitual offender and he is having 11 previous cases, warrant issued against the petitioner is pending and investigation is not completed and hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6. Considering the serious nature of offences alleged against the petitioner that he has illegally transported PDS rice meant for distribution to the poor people, the pendency of 11 previous cases against him, there is no change of circumstances from the date of dismissal of the earlier petition filed by the petitioner for anticipatory bail and the investigation is pending, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

29.05.2020

Index : Yes / No
gsa

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To

1.The Inspector of Police,
Civil Supplies CID, Krishnagiri,
Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.



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V.M.VELUMANI, J.,

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