

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18006 of 2020

1.Umapathi

... Petitioners

2.Mani @ Subramani

Vs.

State Rep. By

....Respondent

The Inspector of Police,

CSCID, Chennai

(Crime No.123 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No.123 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.Arun Saravanan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(A)(ii) of Essential Commodities Act 1955, in Crime No.123 of 2020, seek anticipatory bail.

2. The case of the prosecutor as per the de-facto complainant viz., Amul, Special RDO, Essential Commodities, Thiruvannamalai Circle is that while conducting raid in the rice mill owned by one Mr.Elumalai, it came to light that a lorry bearing registration No. TN 23 AT 1974 was standing there which contains 50 kgs of nylon gunny bags of government public ration goods along with other essential commodities and several other gunny bags were confiscated which was kept for public distribution. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners have been arrayed as A3 and A4 in this case and that they have collected rice from various PDS stores and during the raid, it came to light that the accused were found in possession of 24000 kgs PDS rice, 27000 PDS rice mixed with black kurnai, 9300 polished Pds, 1500 kgs wheat, He would further submit that A1 is still in judicial custody. As far as the second petitioner is concerned he has got one previous case. He would further submit that there is no previous case as against the first petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the fact that the case has been registered very recently i.e on 24.10.2020 and that the arrested accused/A1 is still in judicial custody and that the second petitioner has one previous case, this Court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

11/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
CSCID, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.ARUN SARAVANAN Advocate on payment of necessary charges

CRL OP.18006/2020

Date :11/11/2020

TA-30/11/2020