



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

Date : 09/11/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12709 of 2020

N.Raj

... Petitioner/ 2nd Accused

Vs

State Rep.by
The Inspector of Police,
Civil Supplies C.I.D., Trichy.
Crime No.189 of 2020

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Cr.No.189 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 16.10.2020 for the offences punishable under clause 6 (4) of TNSC (RDCS) Order 1982, r/w (1) (a) (ii) of Essential Commodities Act, 1955, in Cr.No.189 of 2020 on the file of the respondent police seeks bail.

2.The petitioner has been involved in a case registered for the alleged offences under clause (4) of TNSC (RDCS) Order 1982, r/w (1) (a) (ii) of Essential Commodities Act, 1955. The petitioner was remanded to judicial custody on 16.10.2020 and now inside the prison for about 26 days.

3.The learned counsel appearing for the petitioner made a submission that the petitioner is the second accused and was a lorry driver. He was provided with the wrong information and based on that he allowed the PDS rice loaded in the lorry bearing Registration No.TN-37-D-9698. Thus he is the innocent and the petitioner is



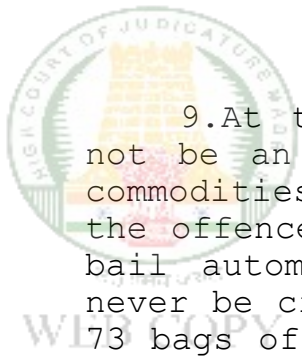
4.The learned counsel appearing for the petitioner made an alternate submission by stating that the petitioner is ready to donate 10 bags of branded rice to the orphanage or in alternate he has ready to clean the orphanage for about one month.

5.The learned Government Advocate(Crl.Side) objected the said contention by stating that the petitioner, who is the second accused in collusion with the first accused had involved in the crime and large commercial quantity of PDS rice had been taken away, more specifically 73 bags of PDS rice each contains 50 Kgs.

6.The learned Government Advocate (Crl.Side) pleads that investigation is in progress and there is a possibility of tampering the evidence as large commercial quantity of PDS rice was involved and an offence was committed. This Court is of the considered opinion that PDS rice is meant for usage of poor people and to be supplied on free of cost through Fair Price Shops. Large scale allegations are in the public domain regarding the illegalities in the matter of supply of PDS rice to the people of this great nation. Misuse or abuse of PDS rice in large quantity would affect the Society at large. Few groups of people are involving in such mafia and committing offences by smuggling PDS rice and it is pertinent to note that actions initiated against such offences are insufficient. The poor Ration Card holders are lamenting that the essential commodities are not supplied properly in Fair Price Shops. Unless looting of the essential of commodities are effectively prevented, it would be difficult for the authorities to regulate the supply of free essential commodities to the poor people, whose livelihood depend on the essential commodities supplied through the Fair Price Shops. Effective monitoring and stringent actions are imminent as smuggling would affect the economic conditions and the livelihood of the poor people.

7.Granted bail in a routine and mechanical manner in such cases are also to be avoided by the Courts. Undoubtedly, bail is a right; denial is exception; However, the implications and the impact in the Society is also to be taken into consideration, while granting bail in such cases. Granting of routine bail in a mechanical manner would undoubtedly encourage such smugglers and they would be tempted to commit the very same offence again and again.

8.It is needless to say that reformatory theory is adopted in all possible circumstance. Equally adverse consequence if created in the Society, is a consideration to be deliberated. Commercialized commission of offence ought to be dealt with iron hands. The menace of the looting the essential commodities would affect the livelihood of the poor people of this great nation. "One Nation One Ration Card" policy is now implemented across the country. Thus such commercial offences in the matter of essential commodities must be looked into in a different dimension and the way and scale of monitoring and effective and appropriate action must be ensured.



9.At the outset, granting of bail in a routine manner should not be an encouragement for such commercial looters of essential commodities in such an event, there is a possibility of repeating the offence again and again, as these offenders are sure of getting bail automatically. Such a mindset amongst to the offenders can never be created at the instance of the Court. In the present case, 73 bags of PDS rice are taken away in a lorry. The petitioner is a driver of the lorry and his involvement is to be ascertained only after completing the investigation. The investigations are in progress and at this juncture, if bail is granted, the same would affect the free and fair investigations to be conducted by the police officials.

10.Accordingly, this criminal original petition stands dismissed. The Petitioner is at liberty to file a fresh bail petition after the completion of investigations and the filing of final report.

11.The learned counsel appearing for the petitioner states that A1 is the lady and she is absconding. Hence, the respondent Police is directed to intensify the search and take necessary steps to arrest A1.

sd/-

09/11/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D., TRICHY.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12709 of 2020

Date : 09/11/2020