



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

Date : 20/11/2020

PRESENT

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

CRL OP (MD) . No.13080 of 2020

1. Saifullah

2. Mohammed Riyas

... Petitioners/Accused No.3 & 4

Vs

State Rep. by

The Inspector of Police,

Mandapam Police Station,

Ramanathapuram District.

Crime No. 340 of 2020.

... Respondent/Complainant

For Petitioners : M/S.B.SENTHILKUMAR,
Advocate.

For Respondent : MR.KR.BHARATHI KANNAN,
Government Advocate (Crl. Side)

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

PRAYER :- For Anticipatory Bail in Crime No.340 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 353, 506(ii) of IPC and Section 12(1)(a) of Passport Act seek anticipatory bail.

2. The learned counsel for the petitioners stated that the petitioners/accused are agents and they are not the owners of the large quantity of Turmeric which was confiscated by the police. More than 1825 Kg of Turmeric were seized by the police. Owner of the turmeric was arrested, however other connected accused are yet to be arrested.

3. This Court is of the considered opinion that Mandapam Police Station, Ramanathapuram District is a sensitive place where frequent cases of smuggling and illegal transportation of human occurs. In view of the fact that Mandapam Police Station, Ramanathapuram District is a sensitive place police department is bound to post efficient police officer so as to control these kind of smuggling activities and other illegal activities through



4.Mrs.A.Yamuna, Inspector of Police present before this Court today and made a submission that she is in-charge of the Inspector of Police, Mandapam Police Station and regular Inspector of Rameshwaram Temple Police Station. On enquiry by this Court, the Inspector of Police in-charge is unable to give convincing answer and she made a submission that she is only in-charge and she is searching the accused persons and even for such reply there is no record available before this Court. Such oral answer in the absence of any record cannot be trusted upon and the police officer are excepted to maintain proper record in these matters.

5. The learned Government Advocate(Crl.Side) made a submission that he will get further instructions.

6. However prima facie it appears that the actions of the police is not only in sufficient. The sensitive place more specifically the Mandapam Police Station, Ramanathapuram District is not properly met with. Sensitiveness involved so far as the Mandapam Police Station, Ramanathapuram District is concerned, the same has not been properly taken for consideration by the higher authorities.

7. This being the opinion of this Court the Deputy Inspector General of Police, Ramanathapuram District is directed to ensure that honest and efficient regular Inspector of Police to be appointed in the Mandapam Police Station, Ramanathapuram District in order to prevent smuggling activities and other illegal activities through sea route more specifically from Srilanka. Action in this regard is to taken immediately without causing any delay.

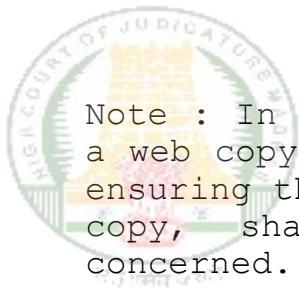
8. As far as the anticipatory bail petition is concerned the case was registered on 01.11.2020 and the owner of the turmeric was alone arrested and other persons are yet to be arrested. Investigation cannot be properly conducted. Thus it is not appropriate to grant anticipatory bail at this point of time and accordingly the respondent police is directed to initiate steps immediately and take action inaccordance with law

9.In the result, the petition stands dismissed.

sd/-
20/11/2020

/ TRUE COPY /

/ /2020
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.

WEB COPY

TO

1. THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.SENTHILKUMAR, Advocate (SR-7577[I] dated 20/11/2020)

COPY TO:

THE DEPUTY INSPECTOR GENERAL OF POLICE,
RAMANATHAPURAM DISTRICT.

ORDER

IN

CRL OP(MD) No.13080 of 2020

Date :20/11/2020

aav/vsd

JM/VR/SAR IV/24.11.2020/3P/5C