

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 01.02.2021
CORAM
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA
CRL.O.P.No.596 of 2021

V.Pichandi

... Petitioner

Versus

State Rep.by
The Inspector of Police,
CSCID Tiruvannamalai,
Tiruvannamalai District.
(Crime No.119 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge petitioner on bail in the event of his arrest in connection with Crime No.119 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Krishnamoorthy

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.119 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on secret information, the respondent police conducted an inspection at Marriamman Koil, 12th Street, Sooriya Nagar and they intercepted the vehicle, TVS-XL-100, bearing Registration No.TN-25-BK-9706, which was driven by the petitioner and found possession of 2 bags of rice, each containing 45 kgs. On further investigation, the respondent police seized 245 bags of rice from the petitioner's own place. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that this is the second application for anticipatory bail and the petitioner is an innocent person. He would submit that the earlier application for anticipatory bail was dismissed by this Court in Crl.O.P.No.19330 of 2020 dated 08.12.2020 on the ground that there were four previous cases pending against the petitioner. He would submit that on perusal of records, the petitioner was able to find out that all the four cases are continuous crime numbers registered by the respondent police. Other than that, the petitioner has no case against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted would vehemently oppose stating that in the particular case, the petitioner was in possession of 14 tons of PDS rice. He would further submit that apart from the 6 cases registered by the respondent police, the petitioner has also involved in 7 other cases registered at Krishnagiri District, and that totally there are 13 previous cases pending against the petitioner and he is a habitual offender.

5. The respondent has filed a detailed counter and the list of previous cases is extracted as follows;-

S.No.	Police station, crime Number and Section of Law	Stage of the case
1	CSCID Tiruvannamalai Crime No.8 of 2016 U/s. 6(4) of TNSC (RDCS) Order, 1982 Section 7(i)(a)(ii) of EC Act, 1955,	Pending trial before the Judicial Magistrate Court, Tiruvannamalai in C.C.No.1083 of 2020
2	CSCID Tiruvannamalai Crime No.43 of 2020 U/s. 6(4) of TNSC (RDCS) Order, 1982 Section 7(i)(a)(ii) of EC Act, 1955,	Charge Sheet was filed before the J.M. Court No.I, Tiruvannamalai and the same is yet to be taken on file.
3	CSCID Tiruvannamalai Crime No.120 of 2020 U/s. 6(4) of TNSC (RDCS) Order, 1982 Section 7(i)(a)(ii) of EC Act, 1955,	Under Investigation
4	CSCID Tiruvannamalai Crime No.121 of 2020 U/s. 6(4) of TNSC (RDCS) Order, 1982 Section 7(i)(a)(ii) of EC Act, 1955,	Under Investigation

S.No.	Police station, crime Number and Section of Law	Stage of the case
5	CSCID Tiruvannamalai Crime No.122 of 2020 U/s. 6(4) of TNSC (RDCS) Order, 1982 Section 7(i)(a)(ii) of EC Act, 1955,	Under Investigation
6	CSCID Tiruvannamalai Crime No.125 of 2020 U/s. 6(4) of TNSC (RDCS) Order, 1982 Section 7(i)(a)(ii) of EC Act, 1955,	Under Investigation
7	CSCID Krishnagiri Crime No.48 of 2015 U/s. 6(4) of TNSC (RDCS) Order, 1982 Section 7(i)(a)(ii) of EC Act, 1955,	Charge Sheet was filed before the J.M. Court No.I, Krishnagiri and the same is yet to be taken on file
8	CSCID Krishnagiri Crime No.6 of 2016 U/s. 6(4) of TNSC (RDCS) Order, 1982 r/w Section 7(i)(a)(ii) of EC Act, 1955,	Pending trial before the Judicial Magistrate Court, Krishnagiri
9	CSCID Krishnagiri Crime No.138 of 2017 U/s. 6(4) of TNSC (RDCS) Order, 1982 r/w 7(i)(a)(ii) of EC Act, 1955,	Pending trial before the Judicial Magistrate Court, Krishnagiri
10	CSCID Krishnagiri, Crime No.44 of 2018 U/s. 6(4) of TNSC (RDCS) Order, 1982 r/w 7(i)(a)(ii) of EC Act, 1955,	Pending trial before the Judicial Magistrate Court, Krishnagiri
11	CSCID Krishnagiri Crime No.48 of 2018 U/s. 6(4) of TNSC (RDCS) Order, 1982 r/w 7(i)(a)(ii) of EC Act, 1955,	Charge Sheet was filed before the J.M. Court No.I, Krishnagiri and the same is yet to be taken on file
12	CSCID Krishnagiri Crime No.65 of 2018 U/s. 6(4) of TNSC (RDCS) Order, 1982 r/w 7(i)(a)(ii) of EC Act, 1955,	Charge Sheet was filed before the J.M. Court No.I, Krishnagiri and the same is yet to be taken on file

S.No.	Police station, crime Number and Section of Law	Stage of the case
13	CSCID Krishnagiri Crime No.47 of 2019 U/s. 6(4) of TNSC (RDCS) Order, 1982 r/w 7(i)(a)(ii) of EC Act, 1955,	Under Investigation

6. It is seen that the petitioner has involved in 7 other cases apart from the 6 cases registered in respondent police station. Taking into account the nature of offence and the antecedents of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
01/02/2021

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 TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

WEB COPY

CRL OP.596/2021

Date :01/02/2021

cs 12/02/2021