



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

Monday, the Twenty Ninth day of November Two Thousand and
Twenty One

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WEB COPY

CRL OP(MD) Nos.12401,14208, 14117 and 13438 of 2021

HIGH COURT MAHARAJAN

... PETITIONER/ ACCUSED (RANK NOT KNOWN)
IN CRL OP(MD)NO. 12401 of 2021

... PETITIONER/ ACCUSED NO. 1
IN CRL OP(MD)No.13438 OF 2021

MAHADEVAN

... PETITIONER/ACCUSED RANK NOT KNOWN
IN CRL OP(MD)Nos.14208 & 14117 OF 2021

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D.,
VIRUDHUNAGAR.
CRIME No.98 OF 2021.

... RESPONDENT/ COMPLAINANT
IN CRL OP(MD)NOS. 12401,14208 of 2021

CRIME NO.101 OF 2021.

... RESPONDENT/ COMPLAINANT
IN CRL OP(MD)No.14117 OF 2021

THE INSPECTOR OF POLICE
CSCID-MADURAI,
VIRUDHUNAGAR UNIT.
CRIME NO.101 OF 2021.

... RESPONDENT/ COMPLAINANT
IN CRL OP(MD)No.13438 OF 2021

For Petitioner : MR.T.LENIN KUMAR,Advocate
IN CRL OP(MD)NO. 12401 of 2021

MR.B.RAMNATH, Advocate
IN CRL OP(MD)Nos.14208 & 14117 of 2021

MR.R.PONKARTHIKEYAN,Advocate
IN CRL OP(MD)No.13438 OF 2021

For Respondent : MR.VEERA KATHIRAVAN,
Additional Advocate General Assist by
MR.T.SENTHIL KUMAR
Additional Public Prosecutor,
IN ALL THE PETITIONS



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

COMMON PRAYER :-

For Anticipatory Bail in Crime Nos.98 & 101 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

RESERVED ON : 02/11/2021

PRONOUNCED ON : 29/11/2021

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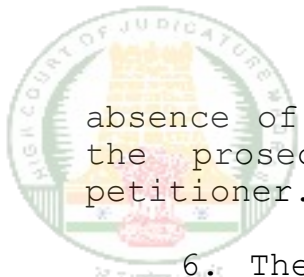
The petitioners in Crl.O.P.(MD).Nos.12401 & 14208 of 2021 apprehending arrest at the hands of the respondent Police for the offence punishable under Clause 6(4) of TNSC (RDCS) Order 1982, r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.98 of 2021, seek anticipatory bail.

2. The petitioners in Crl.O.P.(MD).Nos.13438 & 14117 of 2021, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 6(2), 6(3) and 6(4) of TN Scheduled Commodities (RDCS) Order, 1982, r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.101 of 2021, seek anticipatory bail.

3. The case of the prosecution Crl.O.P.(MD).Nos.12401 & 14208 of 2021 is that the Taluk Supply Officer, Sivakasi, on surprise inspection, found a lorry bearing Registration No.TN-75-J-7150 with 245 bags of PDS rice and seized the same. Hence the complaint.

4. The case of the prosecution in Crl.O.P.(MD).Nos.10833 & 14117 of 2021 is that on 29.07.2021, when the defacto complainant and his officials with the help of the respondent Police were on patrolling duty, they found one Eicher vehicle bearing Registration No.TN 12 M 9040. On seeing the defacto complainant, the driver ran away from the scene of occurrence and on inspection, the lorry was found in possession of 50 gunny bags and 182 plastic bags of PDS rice. Hence, the complaint.

5. The learned counsel for the petitioners submits that the petitioners are fixed as owner of the rice which has been seized by the Taluk Supply Officer. The Investigation Agency is not having any material to substantiate that it is a rice meant for PDS and there is no specific quality prescribed by the State and the Central Government for PDS rice. The respondent claimed the rice as PDS rice, however, the rice was in the double boiled moister for the purpose of long storage and this technic is adopted by the traders for storing the rice, for a long period. Since the seized rice is double boiled, it cannot be said that the seized rice is PDS rice. The allegation in the First Information Report is that the petitioner purchased the rice from the card holders and transported the same to other places. However, there is no material available to substantiate this allegation, except the confession statement of the co-accused. None of the card holders was examined and none of the



absence of any other material other than the confession statement, the prosecution cannot sustain the complaint as against the petitioner.

6. The learned Additional Public Prosecutor appearing for the respondent would submit that on information, the Taluk Supply Officer conducted an inspection and found illegal transportation of PDS rice and recovered the PDS rice. The investigation reveals that the petitioners are the owner of the rice and they have collected the rice from the card holders for lesser price and sold it for higher price. The samples collected from the bags were also sent for analysis and the report reveals that the rice recovered is meant for Public Distribution System.

7. The occurrence in Crime No.98 of 2021 took place on 22.07.2021 and within seven days, the occurrence in Crime No.101 of 2021 had taken place. In both the cases, the petitioners are either partners or the owner of the contraband. In Crime No.98 of 2021, the confession statement of the driver and another accused alone is available. However, in Crime No.101 of 2021, a salesman in the Fair Price Shop was also arrested. From the confession statement of the salesman, the petitioners have been arrayed as accused and the contraband recovered in both the cases is in between Virudhunagar and Sivakasi. Modus operandi, in both the cases, is one and the same. Further, the investigation is in the initial stage, therefore, the respondent Police has to collect the call details of the salesman and establish the nexus of this petitioner with the salesman of the Fair Price Shop. It appears that the accused are indulging in such offence frequently and apart from the contraband, the Investigation Agency has also recovered a Hero Honda Motor Cycle bearing Registration No.TN 84 1856 which has been used as escort vehicle for transport of PDS rice which exposes the fact that the offence has been committed by the accused persons in an organised manner. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners.

8. Accordingly, these Criminal Original Petitions are dismissed.

sd/-
29/11/2021

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

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



TO

- 1 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D.,
VIRUDHUNAGAR.
- 2 THE INSPECTOR OF POLICE
CSCID-MADURAI,
VIRUDHUNAGAR UNIT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) Nos.12401,14208,
14117 and 13438 of 2021
Date :29/11/2021

PKP/JC/SAR-3/04.01.2021/4P/4C