



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 02/11/2021
PRONOUNCED ON : 29/11/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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CRL OP(MD).Nos.13746, 14213, 14242 & 14168 of 2021

Srinivasan @ Viralimalai Srinivasan ... Petitioner/4th Accused
in CRL OP(MD). No.13746 of 2021

S.Rathna Devi ... Petitioner/1st Accused
in CRL OP(MD).No.14213 of 2021

S.Abinesh ...Petitioner/1st Accused
in Crl.O.P.(MD).No.14168 of 2021

Kannan @ Kulimathur Kannan ...Petitioner/5th Accused
in Crl.O.P.(MD).No.14242 of 2021

Vs

State Rep by,
The Inspector of Police,
Civil Supplies C.I.D,
Thanjavur,
Crime No.142 of 2021.

... Respondent/Complainant
in All Petitions

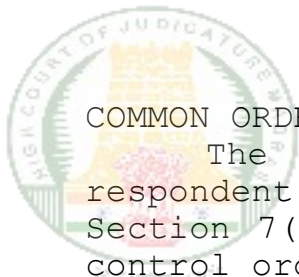
For Petitioner : MR.T.Lenin Kumar,Advocate
in Crl.O.P.(MD)No.13746 of 2021
: Mr.V.Nandhakumar,Advocate
in Crl.O.P.(MD)No.14213&14168 of 2021
: Mr.S.Venkatesan,Advocate
in Crl.O.P.(MD)No. 14242 of 2021
For Respondent : Mr.Veera Kathiravan,
Additional Advocate General
assisted by
Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

COMMON PRAYER :-

For Anticipatory bail in Crime No.142 of 2021 on the file of
the Respondent police.

<https://hcservices.ecourts.gov.in/hcservices/>



COMMON ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent Police for the offence punishable under Section 3 r/w Section 7(1)(a)(ii) of the Essential Commodities Act, 1955 and the control orders issued by the Government, seek anticipatory bail.

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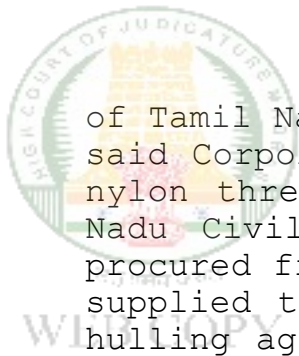
2. All these petitioners are either partners or hulling agents of the Mill. The allegation as against these petitioners is that they have stored the PDS rice in the Mill. Since the issues in all these cases are similar in nature, this Court tagged all these matters together and dispose the same by way of this common order.

3. The petitioner in Crl.O.P.(MD).No.14168 of 2021 is arrayed as A1 and the petitioner in CRL OP(MD). No.14213 of 2021 is arrayed as A2, the petitioner in Crl.O.P.(MD).No.13746 of 2021 is arrayed as A4 and the petitioner in Crl.O.P.(MD).No.14242 of 2021 is arrayed as A5.

4. The case of the petitioners is that Shri Vasavi Rice Mill is a registered partnership firm, in which, the accused No.2/ petitioner in CRL OP(MD). No.14213 of 2021 and one Dhanalakshmi are partners. The Mill was established by one R.S.Munirajan. After the death of the said Munirajan, the family members of the deceased could not run the mill and they leased out the mill to accused Nos.4 and 5. The accused Nos.4 and 5 admitted that they are the lessee of Sri Vasavi Rice Mill and they are the licensed paddy collectors and collected paddy from the farmers around the village and stored the same in their godown for re-selling purpose. Hence the complaint.

5. The learned counsel appearing for the petitioners would submit that there is no control order issued by the State or Central Governments for procurement, storage and selling of paddy and rice, as per the Essential Commodities Act. As such, no offence has been made out as against the petitioners. Further, the case has been registered under Sections 3 and 7 of the Essential Commodities Act as if the petitioners and other accused violated the Essential Commodities Act. Section 3 of the Essential Commodities Act is an enabling provision which enables the Central Government as well as the State Government to pass the control orders to prohibit, regulate and distribute essential commodities. They can pass the control orders and if any person violates the control orders, the violators shall be prosecuted under Section 7 sub-clause (1)(a)(ii) of Essential Commodities Act. In this case, the respondent Police has not mentioned any violation of the control orders and there is no prohibition or ban to procure paddy from the farmers. Therefore, mere on possession of paddy, the petitioner cannot be prosecuted for the offence punishable under Sections 3 and Section 7(1)(a)(ii) of the Essential Commodities Act.

6. The learned Additional Public Prosecutor submits that the Authorities conducted a surprise inspection in Shri Vasuki Rice Mill on 28.08.2021 and found 518 tonnes of paddy packed in the gunny bags



of Tamil Nadu Civil Supplies Corporation, containing the seal of the said Corporation. Those gunny bags are stitched in light red colour nylon thread which is exclusively used for this year by the Tamil Nadu Civil Supplies Corporation. According to him, the paddy is procured from the farmers through the Direct Procurement Centres and supplied to the hulling agents by the Corporation for hulling. The hulling agents have to convert the paddy into rice and return the same to the Corporation. Admittedly, Shri Vasuki Rice Mill was identified as Hulling Agent previously and the same has been cancelled long back. As on date, Shri Vasuki Rice Mill is not an approved hulling agent of the Tamil Nadu Civil Supplies Corporation. However, the paddy meant for PDS is found in the mill to an extent of 518 tonnes and the value would be around at Rs.1,01,50,000/-.

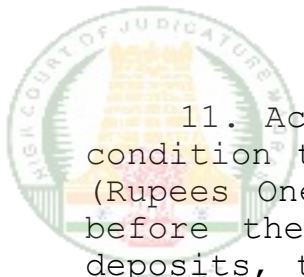
7. The learned Additional Public Prosecutor has also submitted that considering the Cauvery water dispute, a sub-incentive has been announced by the Government of India to the farmers of the Delta region. Therefore, in order to get those benefits of incentive, granted to the Delta farmers, the Mill owners and other traders are procuring paddy from the neighbouring district for lesser price and selling the same for higher price in the procurement centers established by the Tamil Nadu Civil Supplies Corporation in Delta region and this is also one such attempt. However, the learned Additional Public Prosecutor submits that the investigation is in the initial stage and the exact source of the paddy cannot be identified at this stage.

8. The defacto complainant in this case has also represented the case through the learned Additional Advocate General and produced the photographs which show the manner in which the paddy have been concealed.

9. Considering the rival submissions made, this Court granted interim protection to the petitioners and directed them to appear before the respondent Police for interrogation. Though the petitioner appeared before the respondent Police, they have not produced any document to substantiate their claim.

10. The Authorities found huge quantity of paddy concealed in the godown of Shri Vasuki Rice Mill. The petitioners are either partners or lessee of the Mill. Though they claim that there is a lease agreement in favour of the accused Nos.4 and 6, those documents have not been placed before the Investigation Agency. The paddy is found from Shri Vasuki Rice Mill in all the packages of the Tamil Nadu Civil Suppliers Corporation that was stitched in exclusive light red nylon thread meant for the Tamil Nadu Civil Suppliers Corporation. The Investigation is in the initial stage and the Agency is yet to deduct whether the paddy is meant for PDS rice or stored for getting the benefits granted to the Delta farmers. Hence, this Court is inclined to grant anticipatory bail to the

<https://hccast.courts.gov.in/services/> stringent conditions.



11. Accordingly, the Criminal Original Petitions are allowed on condition that the petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) each to the credit of Crime No.142 of 2021 before the learned Judicial Magistrate No.II, Thanjavur. On such deposits, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur, on condition that the petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with common sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/11/2021

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

ssb

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<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.

2 DO THROUGH:THE CHIEF JUDICIAL MAGISTRATE,
THAJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D, THANJAVUR.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) .Nos.13746, 14213,
14242 & 14168 of 2021

Date :29/11/2021

PKP/JM/SAR-3/02.12.2021/5P/5C