



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

Date : 05/04/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.6262 of 2022

M.Jayakumar

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Inspector of Police,
Cscid Police Station,
Trichy.
Crime.No 246/2021.

... Respondent/Complainant

For Petitioner : M/s.Balakumaran T,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.246 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.246 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the other accuses were found in illegal possession of 3750 kilograms of PDS Rice. Hence, present case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is a second anticipatory bail application. Earlier anticipatory bail application filed by the petitioner in Crl.OP(MD)No.504 of 2022 was dismissed by this Court, on 12.01.2022.



4. The learned Government Advocate (Crl. Side) for the respondent police would submit that earlier bail application was dismissed by this Court on the ground that the petitioner is having similar case in Crime No.161 of 2021. This second anticipatory bail application has been filed mainly on the ground that after a lapse of several months, no steps have been taken to complete the investigation. Since process is going to be taken, custody may not require.

6. But, however, noting that the allegation against the petitioner, since it is an offence against poormans economy, earlier anticipatory bail application was dismissed by this Court. Absolutely, there is no change of circumstance and crime of nature does not require any condition at all for exercising discretionary relief.

7. In view of the above, this Criminal Original is dismissed.

sd/-
05/04/2022

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

TO

1. THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
TRICHY.

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

+1 CC to M/s.T.BALAKUMARAN, Advocate (SR-3075[I] dated 07/04/2022)

ORDER
IN
CRL OP(MD) No.6262 of 2022
Date :05/04/2022

dss
USK/VR/SAR-II/11.04.2022/2P/4C