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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.09.2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17226 of 2022

Murugan

... Petitioner/Accused
(Rank not known)

Vs

The State rep.by,
The Inspector of Police,
Civil Supplies C.I.D.,
Tirunelveli.
Crime No.262 of 2022

... Respondent/Complainant

For Petitioner : Mr.T.Leninkumar
Advocate.

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.262 of 2022 on the file of the Respondent police.

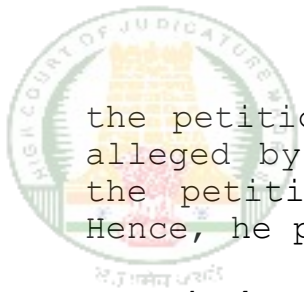
ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.262 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant and his party have seized 260 bags of rice (each contains 50kgs). The petitioner with the help of A1 and A2 had purchased the PDS rice from the card holders with an intention to transport the same. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that based on the confession statement of the co-accused, he has been implicated as an accused in this case. He would further submit that

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the petitioner is innocent and he has not committed any offence as alleged by the prosecution. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) strongly opposed this petition stating that the petitioner with the help of A1 and A2 had collected PDS rice from the card holders and transported the same. A1 is the owner of the vehicle and A2 is the owner of the rice bags. He would further submit that based on the confession statement of the co-accused, the petitioner has been arrayed as accused in this case, he is a habitual offender and he is having eight previous cases, which are similar in nature and the custodial interrogation of the petitioner is very much necessary in this case.

5.Considering the gravity and nature of the offence and also considering the quantity of rice bags and also the fact that the petitioner is having eight similar previous cases, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

27/09/2022

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/10/2022

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

SJI

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.

TO

1.THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D.,
TIRUNELVELI.

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

ORDER

IN

CRL OP(MD) No.17226 of 2022

Date :27/09/2022