



CRL OP(MD)No.6929 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.06.2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD) Nos.6929, 1226, 1257, 1316 and 1339 of 2024
and

CrIMP(MD)Nos.1087, 1088, 1113, 1116,1176,1177,1195 and 1198 of 20023

CRL OP(MD)No.6929 of 2024

Hussain Ali

... Petitioner/ Accused No.2

Vs

The State represented by
the Inspector of Police,
CSCID Police Station,
Dindigul District.
[Crime No.73 of 2024]

... Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinnah,Advocate

For Respondent : Mr.B.Thanga Aravindh

Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.73/2024 on the file of the
respondent police

CRL OP(MD)No.1226, 1257, 1316 and 1339 of 2023



CRL OP(MD)No.6929 of 2024

M.Usen Ali @ Hussain @ Hussain Ali

... Petitioner/ Accused No.2
in Crl OP(MD)Nos.1226,1316 &

1339 of 2024

...Petitioner/Sole Accused
in Crl OP(MD)No.1257 of 2023

Vs

1.The State represented by
the Inspector of Police,
CSCID Police Station,
Dindigul District.
[Crime Nos.198 & 192 of 2016,
11 of 2014 & 212 of 2014]

...1st respondent in all CrlOPs

2.C.Kannan
Inspector of Police,
CSCID Police Station,
Dindigul District.

...2nd Respondent in
CrlOP(MD)Nos.1226 & 1257 of 2023

2.V.Arumugam
Inspector of Police,
CSCID Police Station,
Dindigul District.

...2nd Respondent in
CrlOP(MD)Nos.1136 & 1339 of 2023

For Petitioner : Mr.S.M.A.Jinnah

For Respondent : Mr.B.Thanga Aravindh

Government Advocate (Crl.Side)
in all CrlOPs

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

COMMON PRAYER :-

Petitions filed under Section 482 of Code of Criminal Procedure to call for the records of impugned charge sheet in CC.Nos.88 & 109 of 2017 and 162, & 9 of 2015 respectively on the file of the Judicial Magistrate No.3, Dindigul and quash the same as against the petitioner as illegal.



CRL OP(MD)No.6929 of 2024

WEB COPY

COMMON ORDER

The petitioner / accused No.2 apprehending arrest in connection with a case in Crime No.73 of 2024 on the file of the respondent for the offence under Sections 6(4) TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of the Essential Commodities Act, 1955 has filed CrIOP(MD)No.6929 of 2024. The petitioner has also filed CRL OP(MD) No.1226, 1257, 1316 and 1339 of 2023 to quash the final reports filed against him before the learned Judicial Magistrate No.III, Dindigul.

2.Since the parties in all these petitions are one and the same, these petitions were tagged and are disposed of by this common order.

3.The case of the prosecution in Crime No.73 of 2024 is that when the respondent police were on routine inspection, they found the petitioner in illegal possession of 750 Kgs ration rice in a vehicle bearing registration No.TN 45 AL 3549, for sale in the open market.

4.The learned Counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence and he has been implicated only through confession statement of the co-accused. The respondent police has foisted five such cases as against this petitioner and this petitioner has filed the above quash petitions and therefore, the respondent police harassed the petitioner and also insisted him to execute a bond before the DRO. Therefore the petitioner has filed a

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD)No.6929 of 2024

petition in CrIOP(MD)No.2782 of 2024 for a direction to the respondent not to harass the petitioner under the guise of enquiry and this Court by order dated 22.02.2024 allowed the said petition. For having filed the petition, this present case has been foisted as against the petitioner. Insofar of the other petitions, the learned Counsel submits that all the cases are fosited against him and the respondent without conducting proper investigation has filed the final reports and therefore, they are liable to be quashed.

5.The learned Government Advocate (Crl Side) appearing for the State opposes this anticipatory bail petition that this petitioner along with other accused has illegally transported the ration rice in a vehicle bearing Registration No.TN 45 AL 3549 on 11.04.2024 at about 12.30pm and on information they have intercepted this vehicle, found the rice illegally transported, recovered the same and the case was registered and it was also handed over to the Tamil Nadu Civil Supplies Corporation. The learned Government Advocate (Crl Side) opposes this bail on the ground that the petitioner is a habitual offender, who has involved in six similar case in Crime Nos.212 of 2014, 11 of 2015, 141of 2015, 1192 of 2016, 198 of 2016 and 147 of 2017, registered for the offence under Section 6(4) of TNSC (RDCS) Order 1982 r/w Section 7(i)(a)(ii) of EC Act, 1955. Insofar as the quash petitions are concerned, he submits that the grounds raised by the petitioner are matter of trail and therefore, these



CRL OP(MD)No.6929 of 2024

petitions may be dismissed.

6.This Court considered the rival submissions and perused the materials placed on record.

7.The learned Counsel for the petitioner has admitted that the petitioner is having four cases. The respondent police claim that there are six other cases as against this petitioner. According to the learned Counsel for the petitioner, the petitioner has filed quash petitions before this court and the same are pending. Considering this representation this Court directed the Registry to list all the quash applications for hearing. Accordingly the quash petitions filed by the petitioner are listed along with this anticipatory bail petition.

8.The offence in those quash applications are of the years 2014 and 2016 and final reports have been filed in the year 2015 and 2017. However, the petitioner has filed these quash application only in the year 2023 on the grounds that there is a violation of Section 6A of the Essential Commodities Act; without obtaining an order from the DRO under Section 6A of the Act, the respondent has foisted these cases ; the allegations in the complaints are baseless and without verification of the same, these cases have been registered and the respondent has not conducted fair investigation.

9.These criminal original petitions filed in the year 2023 have not even been



CRL OP(MD)No.6929 of 2024

admitted. However by keeping these petitions pending without even an admission, the petitioner pleads innocence that all these cases are foisted against him.

10.A perusal of the final reports discloses that the recovered rice has been sent to the laboratory for analysis and the report obtained by the investigating agency reveals that the materials recovered from the petitioner are the rice meant for public distribution system. This nature of offence is against the society. The government in order to meet the needs of the poor, purchase the paddy, process it and provides the same to the beneficiaries under the Public Distribution System at free of cost. Since the rice supplied by the government at free of cost, the beneficiaries do not realise the value of the rice and therefore they indulge in selling the same at Rs.5/- per kg. This rice is procured and sold in the open market for higher price by offenders.

11.Considering the nature of offence and antecedent of the petitioner that he is involved in six other similar cases, this Court is not inclined to grant anticipatory bail to the petitioner.

12.Insofar as the quash petitions are concerned the cases of the year 2015 and 2017 are kept pending and these petitions were filed in the month of January 2023; and no interim order has been obtained and these petitions have not been admitted. Though the petitioner has raised several grounds, it is a matter for trial. The petitioner can very well raise these grounds before the trial Court. Since the cases



CRL OP(MD)No.6929 of 2024

are pending from the year 2015 and 2017, the trial Court is directed to conclude the trial in all the aforesaid cases without any further delay, preferably within a period of three months from the date of receipt of a copy of this order.

13.In the result all these criminal original petitions are dismissed. Consequently connected miscellaneous petitions are also dismissed.

sd/-
18/06/2024

/ TRUE COPY /

/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK
TO

- 1 THE JUDICIAL MAGISTRATE NO.III, DINDIGUL
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
CSCID POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6929 of 2024
Date :18/06/2024

PKP/JGB/SAR /10.07.2024/ 7P/ 5C
Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023