



CRL OP(MD).No.8260 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.09.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.8260 of 2024

Sahul @ Shahul Hameed M.

... Petitioner / 2nd Accused

Versus

The Sub Inspector of Police,
Kuzhithurai Police Station,
Kanyakumari District.

... Respondent/Complainant

For Petitioner: Mr.SC.Herold Singh, Advocate
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No.84 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in



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connection with a case in Crime No.84 of 2024, for the offence under Section 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(a)(ii) of E.C.Act, has filed this petition seeking anticipatory bail.

2. The allegation levelled against the petitioner is that he is the owner of PDS rice, which was recovered from the Lorry bearing Reg.No.KL57N 0877. The respondent Police has intercepted the above lorry on 07.05.2024 and found 214 bags of PDS rice to an extent of 10,700 kgs., which is meant for public distribution. The lorry driver, one Adharsh, S/o.Shabu was arrested and through his confession statement, the respondent Police has implicated the owner of the lorry, one Mr.Karthikeyan and the owner of the rice, the petitioner herein.

3. The learned counsel for the petitioner submitted that the petitioner is in no way connected with the PDS rice which has been recovered from the Lorry bearing Reg.No.KL57N 0877.

4. Considering the rival submissions made, this Court, by earlier order dated 06.06.2024, granted interim anticipatory bail to the petitioner with a direction to the petitioner to appear before the respondent Police and co-operate for investigation. This Court has also directed the respondent Police to file a report.

5. Pursuant to the same, the respondent Police has filed a report dated 25.06.2024 before this Court. In the report, it has been stated that the petitioner is the

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owner of the PDS rice which has been recovered from the Lorry bearing Reg.No.KL57N 0877. But, the investigating agency has not collected any material other than the confession statement said to have been recorded from the driver of the lorry. The Investigating Agency has not even collected any call details of the driver of the lorry, Adharsh and owner of the vehicle, Karthikeyan and also not collected any material to show the nexus between A1 and A2 for the commission of this offence.

6. The fact remains that all the accused are hailing from Kerala. The PDS rice meant for public distribution in Tamil Nadu has been illegally transported to the State of Kerala. Though the respondent Police are capable of recovering PDS rice, they have not conducted any proper enquiry to find out the role played by the accused persons in the commission of offence. It shows that in most of the cases, the investigations are being conducted in such a vague manner.

7. This Court by earlier order dated 06.06.2024 placed the petitioner before the Investigating Agency for the purpose of investigation. Even after that, the respondent Police was not in a position to find out the manner in which the alleged offence has been committed and the role played by the accused persons in the commission of offence.

8. The petitioner himself claims that he is a rice merchant and he is also having



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a rice godown. Even this fact has not been stated in the report filed by the respondent Police.

9. Since the respondent Police has not placed any materials other than the confession statement of the co-accused that the rice, which was recovered, belongs to this petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

10. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate on condition that

i) since the petitioner is hailing from Kerala, he shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District. Out of the two sureties, one surety shall be a Government servant to ensure the petitioner's availability for the investigation and trial.

ii) the sureties shall file separate affidavits before the respondent Police that they will ensure that the petitioner will not involve in any further offence in future.

(iii) The petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. He has to co-operate for the investigation.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in



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any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
19/09/2024

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/ 09 /2024

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

OGY

TO

1 THE JUDICIAL MAGISTRATE
NO.III, NAGERCOIL,
KANYAKUMARI DISTRICT.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
KUZHITHURAI POLICE STATION,
KANYAKUMARI DISTRICT

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



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ORDER
IN
CRL OP(MD) No.8260 of 2024
Date :19/09/2024

PSP/ JGB /SAR /23.09.2024/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified
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