



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

Wednesday, the Twentieth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) Nos.2223, 2229 & 2234 of 2019

1 BABULAL
2 BALASUBRAMANI

... PETITIONERS/ACCUSED No.4 & 5
IN ALL THE PETITIONS

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE
THANTHONIMALAI POLICE STATION,
KARUR DISTRICT.

... RESPONDENT/COMPLAINANT

IN CRIME NO.12/2019

... IN CRL OP (MD) No.2223/2019

IN CRIME NO.14/2019

... IN CRL OP (MD) No.2229/2019

IN CRIME NO.13/2019

... IN CRL OP (MD) No.2234/2019

For Petitioners : MR.M.A.JINNAH, Advocate
IN ALL THE PETITIONS

For Respondent : MR.K.CHELLAPANDIAN, Additional Advocate General
Assisted by MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side) IN ALL THE PETITIONS

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested on 15.01.2019, for the alleged offence under Sections 273, 328 IPC r/w Section 7, 20(1) of Tobacco Act and Section 57 and 59 of Food Safety Standards Act, in Cr.Nos.12, 13 & 14 of 2019, on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the petitioners are in illegal possession of 14,843 Kgs of Gutka, which is banned by the State of Tamil Nadu, for which, the Law Enforcing Agency registered three cases as against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by



the prosecution and that the petitioners herein are driver and cleaner and they have no knowledge about the transfer of contraband and accordingly, he would pray for bail to the petitioners.

4. The learned Additional Advocate General appearing for the State would submit that 14,843 Kgs of Gutka were seized from the accused persons, apart from this, one previous case is pending in Cr.No.18 of 2019, which is similar in nature. He would vehemently oppose to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and considering the fact that the alleged quantity is commercial quantity, this Court is not inclined to grant bail to the petitioners. Accordingly, these Criminal Original Petitions are dismissed.

sd/-
20/02/2019

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
THANTHONIMALAI POLICE STATION,
KARUR DISTRICT
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) Nos.2223, 2229 & 2234 of 2019
Date :20/02/2019 (2/2)

gns
PK/VR/SAR-3/27.02.2019 : 2P/4C