

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.10.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.6687 of 2020

1.Murugesan
2.G.Justin Roche

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
M5, Ennore Police Station,
Thiruvallur District.
Crime No.622 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.622 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.V.Pichaimuthu

For Respondent : Mr.V.Saratha Devi

Government Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioners /A5 & A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 353, 506(ii) of IPC and 9(ii) r/w 7 of TNPSS Act, in Crime No.622 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused were found in possession of 258 kgs of Hans Tobacco products (Nos.6 bags, each bag containing 48 kgs) and 585 kgs of Baghban tobacco (Nos.30 bags, each containing 19.5 kgs) products worth of Rs.3,50,000/- in a container lorry transported from Gujarat to Port Blair, Andaman. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are not directly involved in the said offences and they are only the owner and the Manager of the godown, where the products were stored. It is stated that the products were legally transported on payment of GST and other taxes. It is stated that the products were transported via Chennai for further transshipment to Portblair, Andhaman & Nicobar Islands. The products had been purchased from Gujarat. The learned counsel also stated that the other accused A1-A4 have been released on bail. He further stated that earlier petitions filed by the petitioners in Crl.O.P.No.27541 of 2019 and Crl.O.P.No.371 of 2020 were dismissed by this Court vide orders dated 25.10.2019 and 13.02.2020 respectively. He sought anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that, this is the 3rd petition seeking anticipatory bail. In the status report of the Inspector of Police, it has been stated that A5 has fled to Andamans and in view of the Pandemic situation, it was very difficult to secure him. A6 is also staying away and is still absconding.

5. The present accused are the Owner and the Manager of the godown, from where, the materials were seized viz. 258 kgs of Hans tobacco products (Nos.6 bags each bag containing 48 kgs) and 585 kgs of Baghban tobacco (Nos.30 bags, each containing 19.5 kgs). The products were stored in the godown.

6. Considering the rival submissions made and also the status report filed by the Inspector of Police, I hold that relief cannot be granted to the petitioners particularly because, the accused have absconded and thereby making it entirely difficult for the prosecution to complete the investigation. The seized contraband is also of substantial quantity. The fact that the other accused have been granted bail by the Trial Court cannot apply to the present petitioners, since they are the Manager and Owner of the godown, where the materials were stored. They not only had direct knowledge but also knew about the nature of the products and also the quantity. They knew that the said products are banned products.

7. In view of the above facts, since there is no change of circumstances, this Court is not inclined to entertain this third petition seeking for anticipatory bail.

8. This Criminal Original Petition stands dismissed accordingly.

-sd/-
15/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
M5 ENNORE POLICE STATION,
THIRUVALLUR DISTRICT

+1CC to M/S.V.PICHAIMUTHU Advocate on payment of necessary
charges SR NO.6962

CRL OP.6687/2020

Date:15/10/2020

MK:23/10/2020

सत्यमेव जयते

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