

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 7924 of 2020

Francis Xavier. J,
S/o. Yesudas,
No. 308/7, 6th Street,
Dharmapuram,
T. Nagar, Chennai 600 017.

.. Petitioner/ Accused -1

Vs.

The State rep. by its
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
[Crime No. 700 of 2020]

.. Respondent/ Complainant

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner : Mr. J.N. Naresh Kumar

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for alleged offence punishable under Section 24(1) COTPA ACT & 328 of I.P.C., in Crime No. 700 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that, on 12.05.2020 at about 12.30 a.m, the de-facto complainant, on information, intercepted the Auto bearing Registration No. TN 09 CS 1834 at TVK Link Road, Kodungaiyur. On seeing the Police party, the petitioner and other accused ran away from the place, leaving the Auto. On search, it was found that the petitioner and other accused were transporting 9 bags of Hans weighing 505 kgs. The Auto and the contraband were seized. On complaint, a case has been registered under Section 24(1) COTPA ACT & 328 of I.P.C.

3. The learned counsel appearing for the petitioner submitted that the petitioner is driver of the Auto, he was engaged by the customer and he was not aware of nature of goods transported by the other accused. The petitioner

is not owner of the goods. On coming to know that the petitioner is only driver of the Auto, the Police left him, but now the Police is harassing the petitioner. The petitioner is ready to abide by any conditions that may be imposed by this Court and prayed for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that during the lock down period due to COVID – 19 pandemic situation, there is prohibition for running Auto. The petitioner and other accused were transporting 505 kg of Gutka prohibited by the Government. When the Police party intercepted the Auto, the petitioner and other accused left the Auto and escaped from the place of occurrence. The investigation is pending and if anticipatory bail is granted to the petitioner, he will indulge in committing similar offence and hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6. Considering the serious nature of allegation and huge quantity of banned Gutka being transported using Auto during lock down period and submissions of the learned counsel on either side, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

27.05.2020

Index : Yes / No
gsa

To

1.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

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V.M.VELUMANI, J.,

gsa



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