

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 10596 of 2020

Francis Xavier

.. Petitioner/ Accused

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 under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest in connection with Crime No. 700 of 2020, pending investigation, on the file of the respondent Police.

For Petitioner : Mr. J.N. Naresh Kumar

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for alleged offence punishable under Sections 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. It is seen from the records that the petitioner has filed Crl. O.P. No.7924 of 2020 seeking anticipatory bail. This Court by the order dated 27.05.2020, dismissed the said petition. Now, the petitioner has come out with the present petition seeking anticipatory bail, stating that there is change of circumstances as the investigation is over and there is no necessity for judicial custody and interrogation of the petitioner.

4. The learned counsel appearing for the petitioner submitted that the petitioner is a Auto Driver and he was engaged by a customer for delivery of goods which was said to be provisional items. He has not indulged in any offence as alleged by the prosecution and prayed for granting anticipatory bail to the petitioner.

5. Mr. M. Jothikumar, learned Additional Public Prosecutor appearing on behalf of the respondents submitted that the petitioner who is A1, along with two other accused was found transporting 505 kg of Gutka prohibited by the Government, which was seized and the investigation is pending. All the accused are absconding and hence, opposed for granting anticipatory bail to the petitioner.

6. 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.

7. Considering the serious nature of offence and as there is no change of circumstances, as alleged by the petitioner in the present petition, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the Criminal Original Petition is dismissed.

-sd/-

06/08/2020

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,
P-6, KODUNGAIYUR POLICE STATION,
CHENNAI.

CC to M/S. J.N.NARESH KUMAR Advocate on payment of necessary charges

CRL OP.10596/2020

Date :06/08/2020

RVR 18/09/2020