



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2020

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14330 of 2020

1. Prasanth

S/o. Selvaraj

2. Devanathan

S/o. Sivakumar

3. Ganapathy

S/o. Rathinappa

... Petitioners

vs.

State rep. By

The Station House Officer,

Thirupapuliyur Police Station,

Cuddalore District.

Crime No.1314/2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioners in the event of their arrest in Crime No.1314 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.Gandhi Kumar

For Respondent : Mr. M. Mohamed Riyaz,

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 273, 328 of IPC r/w. Under Section 24 (1) of the Cigarette and other Tobacco Products Act 2003 in Crime No.1314 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 14.08.2020, the defacto complainant viz., Sub Inspector of Police had received information and he conducted a raid in godown at Thirupathi Nagar. The accused was found in possession of 7.75 tons of banned Tobacco products. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that petitioners 1 and 2 are students and during Covid period, the petitioners 1 and 2



are working as labour and third petitioner working as a watchman in the godown owned by A1. He would further submit that they are not aware of banned Tobacco products inside the godown. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the first and second petitioner have been arrested and A1/Bharathi in this case, who is the owner of the Mahalakshmi stores, has been detained under Act, 14. He further submitted that in this case huge quantity of 7.75 tons of banned Tobacco, which is worth about Rs.1,20,00,000/- has been seized. He would further submit that there are three previous cases as against the petitioners which are similar in nature under Sections 272, 273, 294 (b), 353 IPC r/w. 24(ii), 6 (a), 6 (b) of COTPA Act. He would further submit that the accused were well aware of stocking of banned Tobacco products, inside the godown. hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and also the fact that huge quantity of banned Tobacco, which is worth about 1.2 Crores and the petitioners have previous cases of similar in nature, this Court is not inclined to grant anticipatory bail to the petitioners.

Accordingly, this Criminal Original Petition is dismissed.

-sd/-

15/09/2020

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 JUDICIAL MAGISTRATE,
NO.I, PANRUTI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICER,
THIRUPAPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S. K.GANDHI KUMAR Advocate on payment of necessary charges

CRL OP.14330/2020

Date :15/09/2020