

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 15219 of 2020

Murugan

... Petitioner

Vs.

State Represented by

... Respondent

The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
(Crime No.577 of 2019)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of arrest in his Crime No.577 of 2019, on the file of the Inspector of police, E-5 Sholavaram Police Station, Thiruvallur District.

For Petitioner : Mr.K.Gajendran

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9(ii) 7 of Tamil Nadu Prohibition of Smoking and Spitting Act, 2003 in Crime No.577 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 5000 kgs. of hans products and the total worth of hans is around Rs.40,00,000/-. Hence, the present complaint.

3. The learned counsel appearing for petitioner would submit that the petitioner is innocent and he has not involved in any offence as alleged by the prosecution. He would submit that this is the fourth application seeking for anticipatory bail. Earlier applications were dismissed on the ground that there were four cases

against him. He would also submit that in the above case, there are 3 accused and the petitioner is A1 and A2 to A3 have been arrested and released on bail by the lower court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is a main accused and he is an habitual offender. He would submit that during the time of search, the godown of the petitioner was found to have stored 5000 kgs. of banned tobacco products in the godown and the same is worth about Rs.40 lakhs. He would also submit that it is an huge quantity and the petitioner is an habitual offender. He would further submit that the petitioner has involved 4 previous cases of similar nature and the details are as follows:

Crime No.	Offences	Police Station
448 of 2018	Under Section 353 IPC read with Section 9(ii) and 7 of Smoking and Spilling Act	Sholavaram Police Station
187 of 2019	Under Section 353 IPC read with Section 9(ii) and 7 of Smoking and Spilling Act	Sholavaram Police Station
552 of 2018	Under Sections 294(b), 353 IPC read with Section 24(1) of COTPA Act	Kavarapet Police Station
82 of 2018	Under Sections 7(1) (a) of CLA Act read with Section 9(ii) and 7 of Smoking and Spilling Act	Redhills Police Station

Hence, he has vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances and the submissions made by the learned Additional Public Prosecutor appearing for the respondent and also the fact that the petitioner was involved in four previous cases of similar nature and stored banned tobacco products in the godown is a huge quantity, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stand dismissed.

-sd/-
09/10/2020

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

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVELLUR DISTRICT.

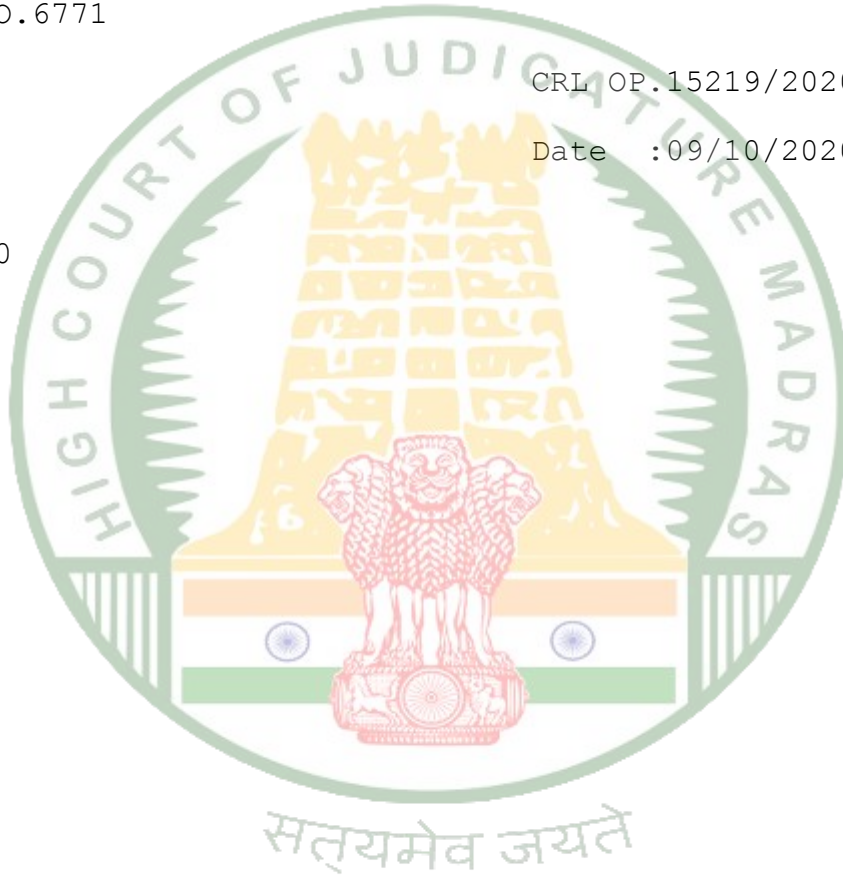
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.GAJENDIRAN Advocate on payment of necessary
charges SR.NO.6771

CRL OP.15219/2020

Date :09/10/2020

TA-19/10/2020



WEB COPY