

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.Nos.16776 & 16990 of 2020

G.Pawankumar

... Petitioner in
Crl.O.P.No.16776/2020

Suresh

... Petitioner in
Crl.O.P.No.16990/2020

Versus

State by
The Inspector of Police,
Perambalur Police Station,
Perambalur District.
Crime No.2113 of 2020

... Respondent in
Crl.O.P.No.16776/2020

State by
The Inspector of Police,
Perambalur Police Station,
Perambalur District.
Crime No.2113 of 2020

... Respondent in
Crl.O.P.No.16990/2020

Common Prayer: Criminal Original Petitions filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.2113 of 2020 on the file of the respondent police.

For Petitioner in
Crl.O.P.No.16776/2020 : Mr.P.Muthamizhselvakumar

For Petitioner in
Crl.O.P.No.16990/2020 : Mr.N.Saravanan

For Respondent
in both Crl.O.Ps : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

C O M M O N O R D E R
(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 03.10.2020 for the offence punishable under Sections 328 of IPC read with Section 20(2) of Cigarettes and Other Tobacco Products Act 2003, in Crime No.2113 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners were found in possession of banned tobacco products. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case based on the confession of co-accused. He would further submit that the entire property has been recovered only from the co-accused and no material has been recovered from the petitioners. He would submit that the petitioners have been suffering incarceration from 03.10.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioners are arrayed as A4 and A2 and they were found in possession of banned tobacco products worth about Rs.3 lakhs. He would submit that insofar as the petitioner in Crl.O.P.No. 16776 of 2020, he has got one previous case of similar nature. Insofar as the petitioner in Crl.O.P.No.16990 of 2020 is concerned, he is a retail seller and used to sell the banned tobacco products among the school and college students. He would further submit that the investigation is pending and if bail is granted at this stage, there is every possibility that the petitioners may abscond.

5. Taking into account the serious nature of offence and the fact that there is one previous case against the petitioner in Crl.O.P.No. 16776 of 2020 and that the investigation is pending, this Court is not inclined to grant bail to the petitioners. Accordingly, these Criminal Original Petitions stand dismissed.

-sd/-
22/10/2020

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 SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

2 THE OFFICER INCHARGE
SUB JAIL, PERAMBALUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

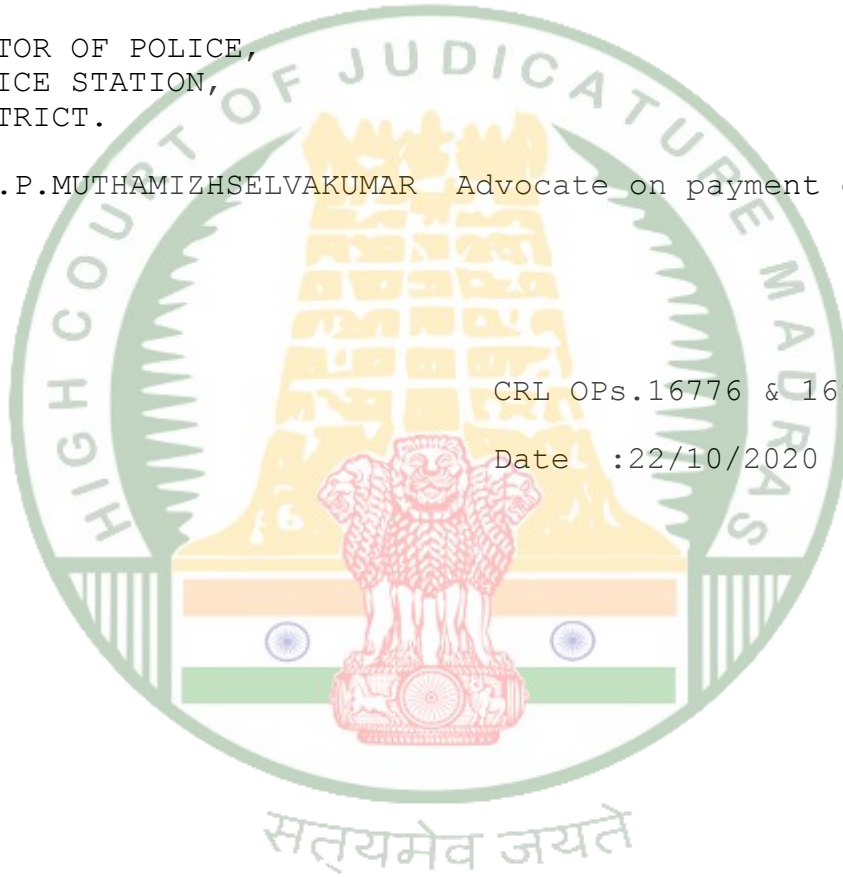
4 THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.

CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of necessary
charges

CRL OPs.16776 & 16990/2020

Date :22/10/2020

cs 02/11/2020



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