



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.13542 of 2020

Abdulsamathu

... Petitioner/Accused No.2

Vs

State rep.by its.,
The Inspector of Police,
Cumbum North Police Station,
Cumbum, Theni District.
Crime No.1085 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Sukumar,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

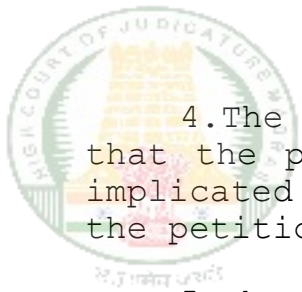
For Anticipatory Bail in Crime No.1085 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused No.2 apprehending arrest at the hands of the respondent police for the offence punishable under Sections 5, 7(3) of Tamil Nadu Lotteries Regulations Act, 1998 and Section 6 (b), 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.1085 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 06.11.2020, the police party found that the petitioner and other accused is having in possession of 173 banned lotteries worth about Rs.7,720/- and also having 18 Ganesh Tobacco Pockets worth about Rs.108/- and the defacto complainant/police seized the articles. Hence, a complaint has been registered.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent Police.



4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner is having 4 previous cases similar in nature in Crime No.459 of 2019, Crime No.329 of 2019, Crime No.263 of 2019, Crime No.791 of 2019 and now he involved in the present Crime No.1085 of 2020 before Inspector of Police, Cumbum North Police Station, Cumbum, Theni District. Therefore, the petitioner is a habitual offender. Hence, he opposed to grant anticipatory bail to the petitioner.

6.Taking into considering the fact that the petitioner is having four previous cases similar in nature, the custodial interrogation of the petitioner is absolutely necessary. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

27/11/2020

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/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION, CUMBUM,
THENI DISTRICT.

2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13542 of 2020

Date :27/11/2020

dss

<https://hccs.csb.gov.in/fcserve/12.2020> : 2P/3C