



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

Date : 16/12/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.14898 of 2020

1. Sankarlal
2. Dinesh

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
Crime No.1660 of 2020.

... Respondent/Complainant

For Petitioners: Mr.T.A.Ebenezer, Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C

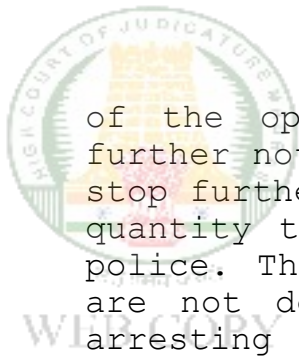
PRAYER :- For Bail in Crime No.1660 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners are arrayed as A1 and A2. They were arrested
and remanded to judicial custody on 16.10.2020 for the offences
punishable under Section 328 IPC and Section 6(a) and 24(1) of
Cigarette and Other TOBACCO Products Act, 2003, in Crime No.1660 of
2020 on the file of the respondent police and hence, they seek
bail.

3.The learned Government Advocate(Crl.side) appearing for the
State made a submission that commercial quantity of about 57 kgs of
TOBACCO products were concealed in the premises of the
petitioners/accused in their general stores. It was found that the
prohibited products were sold to many buyers. Thus, releasing the
petitioner on bail would be a threat to the interest of the public
at large. The investigations are still in progress. The nexus
between the petitioners and the suppliers is to be investigated by
the police. Though the accused persons were arrested, this Court is

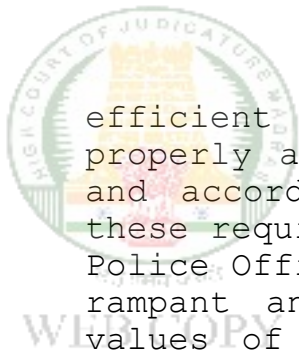


of the opinion that the investigations are not accelerated and further not done regarding the source of supply and other details to stop further activities of illegality. The supply route of such huge quantity to prohibit TOBACCO products are yet to be traced by the police. This Court is unable to understand why such investigations are not done by the police so far. Contrarily, they are simply arresting the persons and releasing them on bail and thereafter, the investigations are not done properly. Such attitude of the police officials in dealing with the cases can never be appreciated. Once, the commercial quantities of prohibited products were seized, the Investigating Officer is bound to trace out the source, through which, such huge quantities are supplied. In the present case, till today no such investigations are done. Thus, the respondent police has committed an act of negligence and dereliction of duty in conducting efficient and proper investigation in respect of the illegal sale of TOBACCO products.

4.The prevention of crime is of paramount important. Only by preventing the crimes effectively, the State can reach the Constitutional goal of peaceful Society. It is not as if the investigations are conducted to prosecute the offenders after registering the cases. The Police Department is bound to concentrate more on prevention than conducting investigation only after commission of offences. Thus, the Higher Officials of the Police Department must have a serious view and the policies so as to prevent the crimes effectively.

5.The District Superintendents of Police, are expected to concentrate on prevention of offences. In this regard, awareness and sensitiveness are to be created amongst the Subordinate Police Officials. In the event of failure in this regard, it would be difficult for the State to minimise the commission of offences against the State. While conducting periodical review, the respective Superintendents of Police are expected to review the criminal cases and identify the errors and omissions of the Investigating Officers and issue directions and initiate actions so as to maintain efficient police force in the interest of public at large. Efficiency level in public administration is the Constitutional Mandate. Due to increase of crimes, the citizens of our great Nation cannot live in peace. When the Army, Navy and Air Force are guarding our Nation in Borders, the Police Officials are duty bound to guard the Nation inside the land in order to create a peaceful and orderly Society. The Police Force are no way inferior to the National level force. Thus, by increasing the efficiency level, the Police Department has to achieve the goal of supremacy in the matter of prevention of crimes and in the field of investigation. Though technical advancements are made, utilization and execution of the new policies, ideas and effective usage of equipments, are very important. Mere providing advanced equipments would not serve the purpose, but utilization of such equipments to

<https://hcservices.mca.gov.in/hcservices/> would provide better results. Thus, qualified



efficient and effective policemen and women are to be recruited by properly assessing suitability and eligibility of those candidates and accordingly, an intensified training is to be provided. All these require, mind and the will for the State as well as the Higher Police Officials. Thus, this Court is of the considered opinion that rampant and speedy changes in order to uphold the disciplinary values of the uniformed service must be promised and the Higher Authorities are bound to strive hard for reaching the same.

6. In the present case, commercial quantity is confiscated by the respondent police and the investigations are in progress. Till today, the supplier route has not been identified. In the event of releasing the petitioners on bail, there is a possibility for tampering the evidence and hampering the witness. Thus, this Court is not inclined to release the petitioners on bail. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
16/12/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SUPERINTENDENT OF POLICE, THANJAVUR DISTRICT.
- 2 THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION, THANJAVUR DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, KUMBAKONAM.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
(To communicate the copy of this order to the Superintendent of Police, Thanjavur District, for effective investigation in such nature of crimes and take appropriate action against the erring officials) .

ORDER IN
CRL OP(MD) No.14898 of 2020
Date :16/12/2020

MS/SMA/SAR-3/29.12.2020/3P.6C