

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of February Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.2239 of 2021

P.ASHOK [PETITIONER / ACCUSED 3 & 4]
2 MODIYA @ MODARAM
Vs

STATE REP BY [RESPONDENT / COMPLAINANT]
THE INSPECTOR OF POLICE,
E-3, SARAVANAMAPATTI POLICE STATION,
COIMBATORE-641 035.
CRIME.NO.2330/2020

For Petitioner : M/S.A.THIYAGARAJAN Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 328 of I.P.C r/w Section 7 (2) of Cigarette and other Tobacco Products Act, 2003, in Crime No.2330 of 2020, seeks anticipatory bail.

2. Totally there are four accused in this case and the petitioner herein are A3 and A4. The case of the prosecution is that when the respondent police was engaged in vehicle check up they found that the petitioners were in possession of banned tobacco products in 238 bags each bag consists 50 grams. It is alleged that the petitioners are the main dealers of banned tobacco products and they have transported the banned tobacco products to various places in Coimbatore District. Hence, the respondent police registered the crime against the petitioners after following mandatory procedures.

3. The learned counsel for the petitioner would submit that only based on the confession statement given by A1 and A2 who are drivers of the vehicle these petitioners have been implicated in this case. He would further submit that the petitioners have not at all involved in this case and nothing was recovered from the

petitioners. Hence he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners along with A1 and A2 engaged to distribute banned tobacco products weighing about 11.9 kilograms and the same was recovered. He would further submit that the custodial interrogation of the petitioners is required in this case. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. I have considered the rival submissions.

6. Considering the facts and circumstances of the case and also the fact that the seized tobacco products were of huge quantity and the custodial interrogation of the petitioners is required in this case, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

17/02/2021

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 INSPECTOR OF POLICE,
E-3, SARAVANAMAPATTI POLICE STATION,
COIMBATORE-641 035.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.THIIYAGARAJAN Advocate on payment of necessary charges SR NO. 1839

CRL OP.2239/2021

Date :17/02/2021