

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2021

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5573 of 2021

Saravanan

... Petitioner

-Vs.-

State rep by
Inspector of Police
E1, Ponneri Police Station,
Thiruvallur District.
(Crime No.3158 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.3158 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Ms.G.Gayathri

For Respondent : Mr.T.Shunmuga Rajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 353 IPC and Section 24(1) of Cigarette and other Tobacco Products Act 2003, in Crime No.3158 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is arrayed as A2. The case of the prosecution is that based on a special report given by the Special Sub-Inspector of Police, the respondent/Police inspected and searched the house belonging to one Immanuvel (A1) at Singlimedu Village. At that time, the said Immanuvel (A1) abused the police party and prevented them from discharging their official duties and during the search, the accused were found in possession of 167 kilograms of tobacco products worth of Rs.1.88 lakhs. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case only based on the confession of the co-accused. He would submit that this the third application for anticipatory bail and the earlier application for anticipatory bail was dismissed by this Court by order dated 11.01.2021 vide Crl.O.P.No.58 of 2021. He would submit that the main accused/A1 has been released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that this is the third anticipatory bail application before this Court. He would submit that the petitioner along with one Immanuvel (A1) was found in possession of 167 kilograms of tobacco products worth of Rs.1.88 lakhs. He would further submit that the petitioner has got one previous case in Crime No.306 of 2019 for similar offence which is pending against the petitioner and that after dismissal of the earlier application, there is no change of circumstances. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. This taking into consideration that the petitioner along with A1 had involved in possession of 167 kilograms of banned tobacco products worth of Rs.1.88 lakhs and that the petitioner has got one previous case in Crime No.306 of 2019 for similar nature of offence, had dismissed the same and there is no change of circumstances after the dismissal of the earlier application. Thereby, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

24/03/2021

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 JUDICIAL MAGISTRATE-I,
PONNERI, THIRUVALLUR DISTRICT .

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION] .

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-1, PONNERI POLICE STATION,
THIRUVALLUR DISTRICT .

CC to M/S.G.GAYATHRI Advocate on payment of necessary charges

CRL OP.5573/2021

Date :24/03/2021