

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4729 of 2021

Uttam Singh Mhaser Singh

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Shevapet Police Station,
Salem City.
(Crime No.1259 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Cr.No.1259 of 2020 on the file of the respondent Police.

For Petitioner : Mr.Mohammed Aasif

For Respondent : Mr.S.Karthikeyan,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are four accused and the petitioner is arrayed as A4. The petitioner, who apprehends arrest at the hands of respondent police for the offence punishable under Sections 7 of the Juvenile Justice (Care and Protection of Children) Act, 2015, 6 & 24 (1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.1259 of 2020, seeks anticipatory bail.

2. The case of prosecution is that A1 and A2 are said to have transported huge quantity of banned tobacco products, which was seized by the respondent police and on the confession of A1, he came to know that the petitioner is a main supplier and he only sent all the tobacco products through A1 and A2. Hence, he was also implicated as A4. Hence, a criminal case has been registered against the petitioner and now, seeking anticipatory bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that he is an innocent person and he has been falsely implicated in this case. He would submit that he is nothing to do with the transport of banned tobacco products and he has no bad antecedents. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for respondent would submit that the petitioner is a main man and he has only sent the tobacco products through A1 and A2 in a mini lorry, which was seized by the petitioner. That apart, he has tried to sell the same to various schools and hence, the criminal case has been registered against him under Section 7 of The Juvenile Justice (Care and Protection of Children) Act.

5. Considering the fact that the petitioner is the main man, he is the owner of banned tobacco products and he has only sent the same through A1 and A2, they have also tried to sell the same near the school. Considering the gravity of offence and the quantity of tobacco products, which were seized, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
17/03/2021

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 INSPECTOR OF POLICE,
SHEVAPET POLICE STATION,
SALEM CITY.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.MOHAMMED AASIF Advocate on payment of necessary charges

CRL OP.4729/2021

Date :17/03/2021

TA-16/04/2021