



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2021

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.7822 of 2021

K.CHINNASAMY

... Petitioner

Versus

State rep. by  
Inspector of Police  
Mangalam Police Station  
Tiruppur District  
in Crime No.1437 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent or on his surrender in Crime No.1437 of 2020 pending investigation.

For Petitioner : Mr.C.Mohanraj

For Respondent : Mr.L.Charles Premkumar  
Government Advocate

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence under Sections 273, 328 of IPC read with 7(1), 20(2) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.1437 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Neeladevi, Inspector of Police, Mangalam P.S. is that on 04.11.2020, based on an information that banned tobacco products were stored in a godown, the defacto complainant along with her police party, had visited Vannanthottam within the jurisdiction of Valayampalayam Village in Poomalur Panchayath. At that time, she had seen certain persons loading goods in TATA Maximo Plus and Maruthi Esteem Car and when they were surrounded and searched, they were found to be in possession of banned tobacco products and when they were enquired, they have confessed that they have come to purchase goods from Chinnasamy, the owner of the godown. Based on their information, 3690 kgs. of banned tobacco products worth about Rs.22 lakhs were recovered. However, the owner of the godown escaped from the scene of occurrence.



3.The learned counsel appearing for the petitioner would submit that this is the 3<sup>rd</sup> application for anticipatory bail. The petitioner is only owner of the godown and he has been falsely implicated in this case based on the on the confession recorded from the arrested accused. He would submit that the petitioner had rented his premises to one Suresh from 05.08.2020 and that the said Suresh had stored the tobacco products without his knowledge. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate would vehemently oppose stating that the petitioner is the owner of the godown and he had stored 3,690 kgs. of banned tobacco products in his godown and that the value of the products is more than Rs.22 lakhs. He would further submit that A1 to A4 were arrested at the spot and they have confessed that the petitioner is the owner of the contraband. He would further submit that this is the 3<sup>rd</sup> application for anticipatory bail and after the dismissal of the earlier application, there is no change in circumstances and that the respondent police are taking steps to secure the petitioner.

5. This Court taking into consideration the quantity of contraband involved in this case, had dismissed the earlier applications vide order dated 19.11.2020 and 16.03.2021 and that there is no change in circumstances after the dismissal of the earlier applications, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-  
28/04/2021

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 NO.IV,  
TIRUPPUR DISTRICT.

2 THE INSPECTOR OF POLICE,  
MANGALAM POLICE STATION,  
TIRUPPUR DISTRICT.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. C.MOHANRAJ Advocate on payment of necessary  
charges

CRL OP.7822/2021

Date :28/04/2021

MK:30/06/2021