

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

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

Crl. O.P. No. 9970 of 2021

Saravanan

... Petitioner/Accused No. 02

-VS-

State Rep. by its
Inspector of Police,
E-1, Ponneri Police Station,
Ponneri Taluk, Tiruvallur District.
(Crime No. 3158 of 2020)

... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, 1973, 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 : Mr. S.Vijayaganesh

For Respondent : Mr. L.Baskaran,
Counsel appearing for Government

ORDER

(The case has been heard through video conference)

The Petitioner, who apprehends arrest at the hands of the Respondent Police for the offences publishable under Sections 294(b) and 353 of the Indian Penal Code, 1860 and Section 24(1) of the Cigarettes and other Tobacco

Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) 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 lakh. Hence, the complaint.

3. Learned Counsel for the Petitioner would submit that this the fourth application for anticipatory bail. He would further submit that the earlier application for anticipatory bail in Crl. O.P. No. 5573 of 2021 was dismissed on 24.03.2021. He would further submit that the ground on which the earlier application for anticipatory bail was dismissed was that the value of the contraband was Rs. 1.88 lakh and the weight of the contraband was 167 kilograms of banned tobacco products. He would further submit that in respect of bail application of the first accused in this case, it was represented by the

Learned Public Prosecutor before the Sessions Court that the value of the contraband was Rs.50,000/- and that as far as the other pending case is concerned, the Petitioner has been granted anticipatory bail and only since the Petitioner got anticipatory bail in the other case, this case was put up against the Petitioner. He would further 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. Hence, he would seek for anticipatory bail.

4. Mr. L.Baskaran, Learned Counsel appearing for the Government would vehemently oppose stating that this the fourth application for anticipatory bail before this Court. He would further submit that the Petitioner along with one Immanuvel (A1) were found possession of 167 kilograms of tobacco products worth of Rs. 1.88 lakh. He would further submit that may be a wrong representation could have been made before the Sessions Court with regard to the value of the tobacco products as Rs. 50,000/-. He would further submit that as per his instructions, the value of the banned tobacco products in the possession of the accused is Rs. 1.88 lakh. He would further submit that the Petitioner has got one previous case in Crime No. 306 of 2019 for similar nature of offence. He would further submit that after the dismissal of the earlier applications, there is no change of circumstances. He would further submit that

since the Petitioner has been granted anticipatory bail in the earlier application, he is continuously engaging in the offence of similar nature. Hence, he would strongly oppose grant of anticipatory bail to the Petitioner.

5. Heard the Learned Counsels and perused the earlier dismissals orders dated 08.12.2020, 11.01.2021 and 24.03.2021.

6. Taking into consideration the fact that the Petitioner along with one Immanuvel (A1) had involved in possession of 167 kilograms of banned tobacco products and that the Petitioner has got one previous case in Crime No. 306 of 2019 for similar nature of offence and that there is no change of circumstances after the dismissal of the earlier applications, this Court is not inclined to grant anticipatory bail to the Petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

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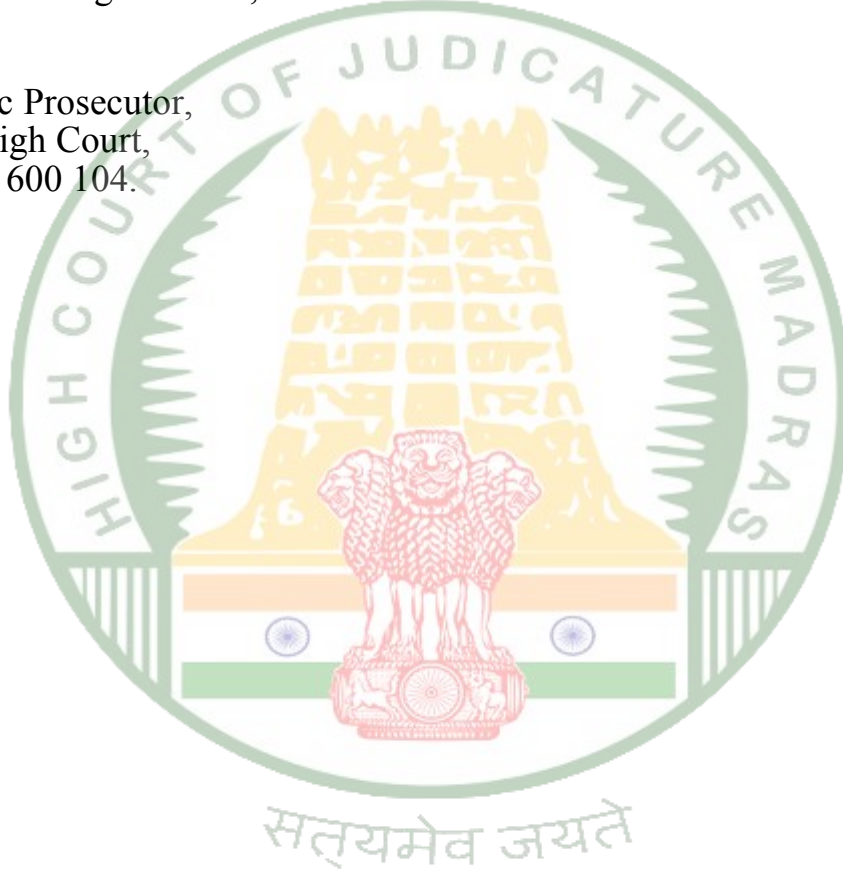
vjt

Index: Yes/No

Internet: Yes/No

To

1. The Inspector of Police,
E-1, Ponneri Police Station,
Ponneri Taluk,
Tiruvallur District.
2. The Judicial Magistrate - I,
Ponneri.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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A.D. JAGADISH CHANDIRA, J.

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