



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15076 of 2021

MATHIYALAGAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ROYAKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.
CRIME NO.76/2021

[RESPONDENT]

For Petitioner : M/S.R.THIRUMOORTHY Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 273, 328 of IPC r/w.7 and 20(1) of Cigarette and Other Tobacco Products Act, 2003 in Cr.No.76 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have collected a sum of Rs.4 Lakhs from the other accused who were found in possession of 990 Kgs. of tobacco products. The petitioner is the Head Constable and is arrayed as A7 in the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The learned counsel further submitted that initially the petitioner's name was not found in the F.I.R. and he was subsequently implicated based on the confession of the other accused.

4.Heard the submissions made by the learned Government Advocate (Crl. Side).



5.The petitioner being a law enforcing agency, instead of seizing the contraband, has collected a sum of Rs.4 Lakhs from the other accused which is not permissible. Hence, considering the heinous offence committed by the petitioner, I am not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is dismissed.

-sd/-

24/08/2021

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,
ROYAKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.15076/2021

Date :24/08/2021

APN 08/09/2021