



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.23313 of 2021

K.JOSEPH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
P6-KODUNGAIYUR POLICE STATION,
CHENNAI - 600118.
(IN CRIME NO.2671 OF 2021)

[RESPONDENT]

For Petitioner : M/S.V.GOPALSAMY Advocate

For Respondent : MR.N.S.SUGANTHAN, Government Advocate, (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 7 & 9(ii) of TamilNadu Prohibition of Smoking and Splitting Act, 2002 r/w Section 273 & 328 of IPC in Crime No.2671 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products in his petty shop. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that based on the confession of A1, the petitioner was falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that the petitioner was found in illegal possession of banned tobacco products in his petty shop. He further submitted that there are six previous cases pending against the petitioner. He also further submitted that earlier application was dismissed by this Court in Crl.O.P.No.20945 of 2021 dated 09.11.2021 and there is no change of circumstances. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the petitioner is involved in a very serious offence and earlier application was dismissed by this Court and there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

03/12/2021

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,
P6-KODUNGAIYUR POLICE STATION,
CHENNAI - 600118.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V.GOPALSAMY Advocate on payment of necessary charges

CRL OP.23313/2021

Date :03/12/2021

RW 16/12/2021