



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/05/2021

WEB COPY

PRESENT

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6391 of 2021

Mahalingam

... Petitioner/Accused No.1

Vs.

The State Rep. by
The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
(Crime No.114 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Jeyakumar.B,
Advocate.

For Respondent : Mr.K.K.Ramakrishnan,
Government Advocate (Crl.Side)

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

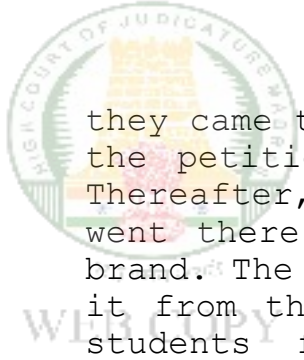
PRAYER :-

For Anticipatory Bail in Crime No.114 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offence punishable under Section 328 IPC and Section 6(b), 24(1) of Cigarette and other Tobacco Products Act 2003 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act 2015, in Crime No.114 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 20.04.2021 at about 19.30 hours, when the defacto complainant/Sub Inspector of Police, along with other police constables was on vehicle check-up at Vanniconandal Primary Health Centre, they intercepted in an Omnibus Car and found 36.500 kgms of Panmasala. Subsequently, on enquiry,



they came to know that the above prohibited things were belonging to the petitioner and he kept the Tobacco in his agricultural land. Thereafter, the defacto complainant along with his police parties went there and recovered 1,397 Kilograms of Tobaccos of various brand. The said Tobacco are prohibited by the Government to purchase it from the outside area and to sell it to the public and to the students for earning high profit. Hence, the case has been registered against the petitioner and one another.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor, on instructions, submitted that this petitioner is arrayed as A1. This petitioner and other accused persons are in possession of 1,433.5 kilograms of Tobacco, which is more than the commercial quantity. He further submitted that the petitioner is also having one previous case, which is similar in nature, and hence, he strongly opposed to grant anticipatory bail to the petitioner.

6. In view of the fact that the petitioner and other accused persons are in possession of 1,433.5 kilograms of Tobacco, which is more than the commercial quantity and the petitioner is also having one previous case which is similar in nature, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed.

sd/-
05/05/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.6391 of 2021
Date :05/05/2021

VSD

TE/VR/SAR-I : 18/05/2021 : 3P/3C