



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12815 of 2021

1. Shoundar @ Shoundar Rajan
2. Selvakumar

... Petitioners/Accused
No.3 & 4

Vs

State rep.by
The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
(In Crime No.591 of 2021).

... Respondent/Complainant

For Petitioner : M/s.S.Vikram, Advocate
for M/s.M.Shema Daniel, Advocate

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.591 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 328 r/w Sections 6(a), 6(b), 24(D) of the Cigarettes and Other Tobacco Products Act, (COTPA), in Crime No.591 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 15.07.2021, the respondent police intercepted a TATA-AC Van over suspicion and upon search, it was found that 75 gunny bags containing of tobacco products were hidden inside it. Therefore, the respondent police arrested A1 and A2 and seized the vehicle. Hence, the case was



registered and on enquiry, A1 stated that the said tobacco products belonged to the petitioners/A3 and A4 and his vehicle was hired by them for transport to another place. Based on his confession statement, the petitioners were arrayed as accused in this case.

3. The learned counsel for the petitioners submits that the petitioners are representatives of the company, which is manufacturing cosmetics products and distributing the same to other shops. He further submits that A1's vehicle is one among the several vehicles belonging to various other persons, hired by the petitioners for transporting the cosmetics products. The learned counsel denied the fact that A1's vehicle alone is being used by them for transportation purpose. According to them, like A1's vehicle, they have also hired other vehicles belonging to several other persons for transportation purpose, taking into account of the circumstances. He further submits that the petitioners are innocents, they are no way connected with the tobacco products seized from A1 and nothing was recovered from these petitioners and only based on the confession statement given by A-1, the petitioners were implicated as accused in this case.

4. The learned Government Advocate (Crl. side) for the respondent police, on instructions, submits that the petitioners are the main accused in this case and they are the owner of the properties, which are recovered. The call details have also been collected, which reveal that the petitioners have frequently contacted the co-accused. The investigation is at a crucial stage and Tobacco products involved in 75 bags were seized. Only by arresting these petitioners, the entire truth will come to light and the custodial interrogation of the petitioners is very much necessary in this case. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

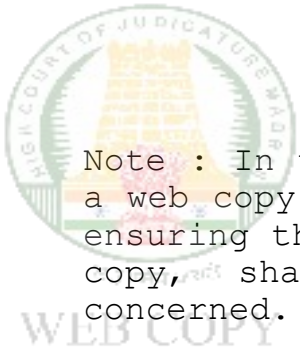
5. Considering the facts and circumstances of the case, the fact that huge quantity of tobacco products is involved in this case and the submission of the respondent that custodial interrogation of the petitioners is very much necessary, this Court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
14/09/2021

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/ /2021
Sub-Assistant Registrar (C.S.I)
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,
Tamil University Police Station,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.12815 of 2021
Date :14/09/2021

SP/VR/SAR I/23/09/2021/3P/3C