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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.13563 of 2021

K.Muthukumar

... Petitioner/1st Accused

Vs

State rep.by
The Sub Inspector of Police,
East Police Station,
Sivakasi,
Viruthunagar District
(Crime No.214 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Selvakumar S,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.214 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 6(a), 6 (b) r/w. 24(1) of Cigarette and Other Tobacco Products Act - 2003 r/w. 328 IPC in Crime No.214 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 shop.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) submits that this is the second anticipatory bail petition. The earlier anticipatory bail petition filed by the petitioner was dismissed by this Court vide order dated 18.08.2021, in Crl.O.P.(MD)No.11075 of 2021 on the ground that the petitioner is having fourteen previous cases. The details of which are as under:

S.No.	Name of the Police Station	Crime No	Section
1.	Muneeswaran Colony	432/2011	294(b) and 323 IPC
2.		708 of 2014	4, 8 and 9 of TNG Act
3.		384 of 2016	9(2) of Smoking Act
4.		704 of 2017	24(1) and 6(b) of COTPA Act
5.			
6.		1147 of 2017	24(1) and 6(b) of COTPA Act
7.			
8.		374 of 2019	24(1) and 6(b) of COTPA Act
9.			
10.		611 of 2019	24(1) and 6(b) of COTPA Act
11.	Muneeswaran Colony	675 of 2019	273, 353, 506(ii) of IPC r/w Sections 24(1) and 6(b) of COTPA Act
		438 of 2020	353 and 506(i) of IPC and 24(1) and 6(b) of COTPA Act
		1090 of 2020	328 of IPC and Sections 6(a) and 6(b) r/w 24(1) of COTPA Act
		214 of 2021	328 of IPC and Sections 6(a) and 6(b) r/w 24(1) of COTPA Act
12.	Sivakasi Town Police Station	664 of 2015	7, 9(II) of Smoking Act
13.		123 of 2018	24(1) and 6(b) of COTPA Act
14.		444 of 2020	328, 353 and 506(ii) of IPC and 24(1) and 6(b) of COTPA Act

5. Considering the nature of offence and the antecedent of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.



6. In the result, the Criminal Original Petition is dismissed.

Sd/-
17/09/2021

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

OGY

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 Sub Inspector of Police,
East Police Station, Sivakasi,
Viruthunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.13563 of 2021
Date :17/09/2021

SP/JC/SAR IV/29/09/2021/3P/3C