



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14451 of 2021

Mageswaran

... Petitioner/SoleAccused

Vs

State Rep.by
The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.
Crime No.134 of 2021.

... Respondent/Complainant

For Petitioner : M/s.S.Selvakumar,
Advocate.

For Respondent : Mr.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.134 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Section 328 IPC r/w. Section 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.134 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.09.2021, at about 5.30 hrs., the respondent Police, on secret information, conducted a raid from Nadumavadi Irrigation basion bridge to Pannikkanadar Kudiruppu Road. At that time, the first accused was riding a vehicle bearing Reg.No.TN37 CU 7486 Mahindra Supro Mini Truck and on search, they found 600 packets Ganesh 701 tobacco, 416 packets V1 tobacco, 48 Cool Lip filter tobacco, 416 packets vimal pan masala tobacco and 50 chaini tobacco inside the vehicle. Hence, the case.

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. He further submits that the petitioner was not at all present at the time of occurrence and he has been



roped-in in this case only based the confession statement of the co-accused. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that one Sudalaimani was arrested in this case on 17.09.2021 and based on his confession statement, the petitioner is arrayed as an accused.

5. Considering the submissions made on either side, this Court, vide order dated 30.09.2021 granted interim anticipatory bail to the petitioner and directed the petitioner to appear before the respondent Police. The respondent Police was also directed to find out the truth and file a report before this Court.

6. Pursuant to the direction of this Court, the petitioner appeared before the respondent Police on 05.10.2021 and the respondent Police conducted the investigation and filed a report before this Court, wherein, it is stated as follows:

"Sudalaimani is known to him through his school mate one Venkatesh of Nazareth for the past two months, since Sudalaimani is the brother-in-law of Venkatesh. The duos used to chat with each other over cell phone. This petitioner Maheswaran had a discussion that as if Sudalaimani purchase the tobacco item from Coimbatore and sent it to him, he will sale them at Nalumavadi, Kurumbur, Nazareth, Eral and Authoor areas as such they would accumulate huge profit. Accordingly, on 11.09.2021, Sudalaimani came to his home town after buying huge amount of tobacco items and handed over to Maheswaran. He has sold out the tobacco pockets and credited Rs.28,000/- to Sudalaimani on 13.09.2021 through his Tamilnadu Mercantile Bank Account No.449100050300336 and gave Rs.50,000/- in his hand in person. After that on 17.09.2021, Sudalaimani contacted him over phone and informed that he has purchased the tobacco items in Coimbatore and he would bring them to Kurumbur in his Mini Truck. When he was on the way to his house Panickanadarkudieruppu, Kurumbur Police Station Staff nab him. He did not know the details of the person, who gave the tobacco to Sudalaimani."

7. Considering the huge quantity of tobacco products and also considering the fact that the said tobacco products have been handed over to the petitioner for sale, this Court is not inclined to grant anticipatory bail to the petitioner.



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

sd/-
27/10/2021

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/ /2021

WEB COPY

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,
KURUMBUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14451 of 2021
Date :27/10/2021

OGY
MS/VR/SAR-2/12.11.2021/3P.3C