



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourteenth day of February Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3567 of 2022

G.THIRUMALAI

[PETITIONER / ACCUSED]

Vs

STATE BY:

[RESPONDENT]

THE INSPECTOR OF POLICE
KANCHI TALUK POLICE STATION,
KANCHIPURAM,
KANCHIPURAM DISTRICT,
CRIME NO.35 OF 2022

For Petitioner : M/S.S.MADHUSUDANAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. 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 punishable under Sections 328 of IPC AND 7, 9(2) OF Cigarette and other Tobacco products act 2003, in Crime No.35 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that during the relevant point of time, the petitioner along with other accused was found in possession of 116kg HANS Pan Masala, 150kg VIMAL Pan Masala, 15kg Cool Lip and 50kg V-1 Tobacco products. Hence, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits 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 and further submitted that the petitioner is a first offender. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent police raised objections stating that the respondent police recovered 116kg HANS Pan Masala, 150kg VIMAL Pan Masala, 15kg Cool Lip and 50kg V-1 Tobacco products from Accused-1. According to him, property worth about Rs.25 lakhs was possessed by the petitioner. He further submitted that some of the accused involved in this case are absconding and as of now, investigation is pending.

5. The submissions made by the learned Counsel on either sides are considered.

6. Though, the learned Counsel for the petitioner submitted that the petitioner is a first offender and he has been falsely implicated in this case, considering the nature of offence committed by the petitioner and the quantity of contraband involved in this case and also considering that some of the accused involved in this case are absconding and also the investigation is pending, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
14/02/2022

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
KANCHI TALUK POLICE STATION,
KANCHIPURAM, KANCHIPURAM DISTRICT,

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.3567/2022

Date :14/02/2022

JPA 18/02/2022