



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

Date : 25/05/2022

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP(MD) . No.9651 of 2022

1. Aobaram Mali @ Ambalamali
2. Mahendar Kumar @ Mahendar Mali

...Petitioners/Accused No.4&5

Vs

The State represented by
The Inspector of Police,
Town West Police Station,
Thanjavur District.
(Crime No.610 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Shobana M,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.610 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.4 and 5, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 328 of IPC r/w Sections 5, 7(1) and 24(1) of Cigarette and Other Products Act, 2003 in Crime No.610 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the main dealers and they sold the prohibited tobacco products through other accused persons and therefore, the respondent police registered a case against the petitioners and the other accused persons for the above said offences.

3.The learned counsel for the petitioner would submit that the petitioners are not involved in the occurrence and they are no way connected with this case. He would also submit that a false case has been foisted against the petitioners.



4.The learned Government Advocate (Crl. side) has strongly opposed to grant anticipatory bail to the petitioners since the investigation is in preliminary stage.

5.A reading of the First Information Report clearly shows that there is a specific overt act against the petitioners and it is also evident that the recovered goods are prohibited in the State of Tamil Nadu. The investigation is in preliminary stage. The petitioners are not the native of the State of Tamil Nadu. If the petitioners are granted anticipatory bail, there is a possibility of absconding and protracting the investigation and hence, the investigation would not come to an end.

6.Considering the serious nature of the offences and the quantum of recovered goods and also considering the fact that the petitioners are not the native of the State of Tamil Nadu, this Court is not inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
25/05/2022

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/ /2022
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,
TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.PANDIAN, Advocate (SR-5035[I] dated 25/05/2022)

ORDER
IN
CRL OP(MD) No.9651 of 2022
Date :25/05/2022

sji/lm

<https://hccsdpn.sbi.in/Service/05.2022/2P/4C>