



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

Date : 27/06/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.9872 of 2022

Kayambu

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
Crime.No. 171 of 2022.

... Respondent/Complainant

For Petitioner : Mr.Sulthan Basha.J,
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.171 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Section 328 IPC r/w Section 7 and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.171 of 2022 on the file of the respondent police.

2.The case of the prosecution is that on 16.05.2022 at about 12.00 pm., when the defacto complainant as usual was on patrol duty near the place of occurrence, one person was found in possession of a bag. On seeing the police, that person dropped the bag in that place and ran away. On search, it was found that it contains 15 number of Ganesh Tobacco, 2 button mobile phone and case of Rs.6,700/-. On enquiry, it was brought to the notice of the aforesaid person, who is the present accused herein. Hence, the complaint.

3.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is having two previous cases, among which one case is similar in nature.



4.The learned counsel for the petitioner submits the petitioner is aged about 72 years. Even as per the FIR, he has not involved in the aforesaid occurrence, only on suspicion, his name has been included in the FIR.

5.However, such contention cannot be accepted at this stage. It is a matter for investigation. Since the petitioner is already facing a similar case, he is not entitled for the discretionary relief of anticipatory bail. He has to surrender before the respondent police or before the concerned Court and after that he can seek regular bail.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-
27/06/2022

/ TRUE COPY /

/07/2022

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,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9872 of 2022
Date :27/06/2022

mm
USK/JM/SAR-IV/08.07.2022/2P/3C