



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 21/12/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOAN**

Cr1.OP(MD)No.17551 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.J.Sulthan Basha, Advocate.

For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Criminal side)

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

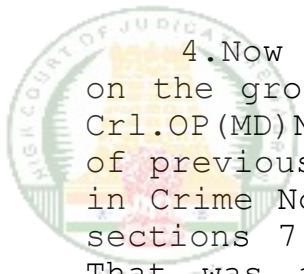
PRAYER :-C-33AB.For Anticipatory Bail in Crime No.171 of 2022 on the file of the Respondent Police.

ORDER:- The Court made the following order:-

The petitioner, who is arrayed as sole accused apprehending arrest at the hands of the respondent for the alleged offences punishable under section 328 IPC r/w sections 7 & 24(1) of Cigarette and other Tobacco Products Act, 2003, seeks anticipatory bail.

2.The case of the prosecution is that on 16/05/2022 at about 12.00 pm, when the de-facto complainant as usual was on petrol 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 cash 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.Heard both sides.



4.Now this second anticipatory bail application has been filed on the ground that the petitioner was granted anticipatory bail in Crl.OP(MD)No.16825 of 2022, dated 20/09/2022, on 20/09/2020 in the light of previous cases. But not stopping with that, again he is involved in Crime No.172 of 2022, which was registered for the offence under sections 7(3) of the Lotteries Regulation Act r/w section 420 IPC. That was also considered by this court in Crl.OP(MD)No.17818 of 2022, on 06/10/2022. Before that, it appears that this case has been registered. Having obtained anticipatory bail in more than one cases, it appears that the petitioner is continuously involved in such sort of illegal activity. So there is no purpose in granting anticipatory bail.

5.Since the petitioner is continuously involved in similar nature of offence, discretion should not be exercised in favour of the petitioner. He has to surrender before the concerned court or before the respondent and seek regular bail.

6.I find no merit in this petition and accordingly, this criminal original petition is **dismissed**.

sd/-
21/12/2022

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SULTHAN BASHA.J, Advocate (SR-15289[I] dated
22/12/2022)

ORDER
IN
CRL OP(MD) No.17551 of 2022
Date :21/12/2022

er
MK/MMS/SAR II/04.01.2023/2P/4C