



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

Date : 05/01/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19327 of 2021

K.MUTHUKUMAR

... PETITIONER/1STACCUSED

VS

THE STATE REPRESENTED BY,
THE SUB INSPECTOR OF POLICE,
TOWN POLICE STATION,
SIVAKASI
VIRUDHUNAGAR DISTRICT.
(CRIME NO.444/2020).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.Lakshmi Gopinathan,
for M/S.Polax Legal Solution
For Respondent : Mr.S.Manikandan,
Government Advocate(Crl.side)

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

PRAYER :-

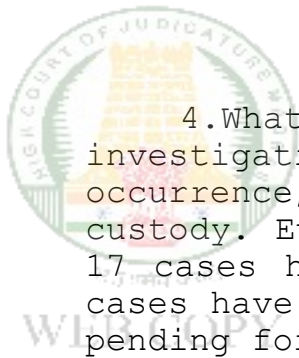
For Anticipatory Bail in Crime No.444/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/1stAccused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 328, 353, 506(ii) I.P.C, and Sections 6(b), 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.444 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons had illegally transported 300 pockets of prohibited Tobacco items.

3.The learned counsel for the petitioner submitted that the offence under Section 6(b) and 24(1) of Cigarette and other Tobacco products Act, is not at all attracted. According to him, the sale of the above products was not made near schools and colleges. Even as per the averments made in the First Information Report, when the accused persons were found travelling in a two wheeler in Muneeswaran colony, Sivakasi East, have been intercepted.



4.Whatever may be the position, now it is a matter for investigation and trial. Prima facie discloses that on the place of occurrence, he was arrested. A2 was arrested and remanded to custody. Even as per the submission made by the petitioner, totally 17 cases have been registered against him after which some of the cases have been closed in one case he was acquitted, three cases are pending for trial and other three cases are under investigation.

5.Considering the bad antecedents of the petitioner, this Court is not inclined to grant any discretionary relief in favour of the petitioners. This Court finds no merit in this petition.

6.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
05/01/2022

/ TRUE COPY /

/ /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 SUB INSPECTOR OF POLICE,
TOWN POLICE STATION,
SIVAKASI, VIRUTHUNAGAR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19327 of 2021
Date :05/01/2022

USK/JM/SAR-II/19.01.2022/2P/3C