



WEB COPY

CRL OP(MD). N



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

Date : 15/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.20242 of 2022

1. Selvakumar
2. Venkatesh
3. Sivakumar ... Petitioners/Petitioners/Accused No.1 to 3

Vs

The State represented by
The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District
(Crime No.985 of 2022). ... Respondent/Respondent/Complainant

For Petitioner : M/s.Arun B,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime No.985 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested and remanded to judicial custody on 08.10.2022 for the offences punishable under Sections 5, 20(1), 22(a) and 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 328 IPC in Crime No.985 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on receiving secret information on 07.10.2022, the respondent police conducted raid and the petitioners herein have found in possession of 137kgs of Tobacco products illegally. Hence, the complaint.



3.The learned counsel for the petitioners would submit that this is the petitioners' second bail application and the earlier application was dismissed by this Court in Crl.O.P(MD) No.19054 of 2022, dated 27.10.2022. He would further submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and they are in judicial custody from 08.10.2022. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that initially 137 kgs of tobacco products were recovered from the petitioners and subsequently, they were found in possession of 10 tonnes of Tobacco products. He would further submit that this is the second bail application and the first bail application was dismissed by this Court on 27.10.2022. He would further submit that 15 witnesses have been examined and the investigation is not yet completed. Hence, he strongly opposed for grant of bail to the petitioners.

5.Considering the gravity and nature of the offence and also considering the facts that 15 witnesses have been examined so far and the investigation is not yet completed, this Court is not inclined to grant bail to the petitioners.

6.Accordingly, this Criminal Original petition is dismissed.

sd/-

15/11/2022

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/11/2022

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

TO

- 1 THE INSPECTOR OF POLICE
THIRUVIDAIMARUTHUR POLICE STATION, THANJAVUR DISTRICT
- 2 THE OFFICER INCHARGE,
SUB JAIL, THIRUVIDAIMARUTHUR, THANJAVUR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.20242 of 2022

Date :15/11/2022

SS/SSS/SAR III/23/11/2022/ 2P 4C

<https://www.mhc.tn.gov.in/judis>