



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.01.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.313 of 2023

WEB COPY

Ganesan

...Petitioner/Unknown Accused

-vs-

The State represented by
The Inspector of Police,
VK Puram Police Station,
Tirunelveli District.
(Cr.No.377 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest in connection with Cr.No.377 of 2022 on the file of the respondent Police.

For Petitioner : Mr.S.Balasubramanian, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

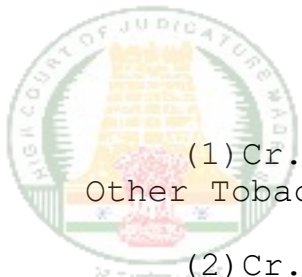
O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 24(1) (COTPA) Cigarette and Other Tobacco Products Act and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.377 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 20.12.2022, when the respondent Police conducted an inspection, the petitioner and other persons were found in illegal possession of banned tobacco products and attempted to sell the same to the school children. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely roped in this case based on the confession of the arrested accused.

4.The learned Government Advocate (crl.side) would submit that the petitioner is a habitual offender, against whom, there are two previous cases of similar nature pending, which are as follows:



(1)Cr.No.219 of 2017 under Section 24(1)(COTPA) Cigarette and Other Tobacco Products Act

(2)Cr.No.646 of 2021 under Section 328 IPC and 24(1)(COTPA) Cigarette and Other Tobacco Products Act.

5.Taking into consideration the habituality of the petitioner in committing the crime, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-

06/01/2023

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

cmr

TO

1.THE INSPECTOR OF POLICE,
VK PURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.313 of 2023

Date :06/01/2023

RK/BUC/SAR-1 (24/01/2023) 2P/3C