



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 12.08.2024

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL.O.P.No.19311 of 2024

Sappanimuthu

...

Petitioner/Accused

Vs

The Stat Rep. by
The Inspector of Police,
Nagamam Police Station,
Coimbatore.
(Crime No.150 of 2024)

... Respondent/Complainant

PRAYER :- This Petition filed Under Sec.438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.150/2024 on the file of the respondent pending investigation.

For Petitioner : Ms.Anitha P.J

For Respondent : Mr. S.Santhosh,
Government Advocate.

ORDER

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 24(1) of



Cigarette and other Tobacco Products Acts 2003 and 328 of IPC in Crime

WEB CO No.150 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that during a vehicle inspection at Anuparpalayam bus stop around 10:30 AM, an Activa two-wheeler and a Duster car attempted to evade the police. Upon interception, the police questioned the occupants (Accused 1 to 5), who admitted to carrying Hans packets for sale, a product banned by the Tamil Nadu Government. A search of the vehicles revealed 162 kilograms of tobacco products, including Hans, V1, and Swagat Gold. Following a confession from Accused 1, it was discovered that Accused 3, the brother of Accused 1, was also involved in the tobacco business. An additional 64 kilograms of VIMAL tobacco products were found at Accused 3's residence. The total seized contraband weighed 228.6 kilograms. A case was registered under Section 24(1) of the Cigarettes and Other Tobacco Products Act, 2003, and Section 328 of the IPC. In Crime No. 150 of 2024, Accused 1 to 5 were arrested and subsequently released on bail by the Principal District and Sessions Judge, Coimbatore, on June 13, 2024. Based on the confessions of these accused, the petitioner was later implicated in the case. Hence the



petitioner has filed this criminal original petition seeking anticipatory bail.

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3. The learned counsel for the petitioner would contend that the petitioner is not a named accused in the above mentioned crime No.150/2024; based on the confession statement given by the co-accused, this petitioner was wrongly implicated in this case. Hence, she prays to grant anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate appearing for the respondent police would submit that in this case, there are a total of seven accused. Initially, five individuals (A1 to A5) were named, arrested, and subsequently released on bail. The remaining two accused are currently absconding. Based on the confessions of A1 to A5, the petitioner has been implicated as Accused 7 (A7). The details of seized properties have been presented before the Court. It is also to be noted that the petitioner has a previous case of a similar nature, hence he objected to grant anticipatory bail to the petitioner. Hence, he vehemently objected to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.



6. Considering the representations made by both sides' learned counsels, and noting that the other accused have been released on bail; as well as the fact that the petitioner's name does not appear in the First Information Report and has been implicated solely based on the confession of the co-accused, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is **allowed** and the petitioner is ordered to be released on anticipatory bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate-II, Pollachi** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days , until further orders

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[c] the petitioner shall not abscond either during investigation or trial.

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[d] On breach of any of the aforesaid conditions, the respondent police is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

12.08.2024

TO

- 1.The Judicial Magistrate-II,
Pollachi.
2. The Inspector of Police,
Nagamam Police Station,
Coimbatore.
- 3.The Additional Public Prosecutor,
Madras High Court,
Chennai.



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6

P.DHANABAL,J

jrs

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