

Arikrishnan vs State Rep. By on 24 June, 2022

Author: G.Ilangovan

Bench: G.Ilangovan

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 24/06/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.10426 of 2022

Arikrishnan : Petitioner/A1

Vs.

State rep. By
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District,
(In Crime No.75 of 2022) : Respondent/Complainant

For Petitioner : Mr.T.Veerakumar

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

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

PRAYER :-

C-33AB.For Anticipatory Bail in Crime No.75 of 2022

on the file of the Respondent Police.

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

2

ORDER :

The Court made the following order:-

The petitioner, who is arrayed as A1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 272, 273, 328 IPC and Section 59 of Food Safety and Standard Act, 2006 and Section 7(5) and 20(2) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.75 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 28/04/2022, the petitioner alleged to have transported and stored the tobacco, which was banned by the Government in the rented shop, which owned by the de-facto complainant. On getting the information, he has lodged a complaint.

3.Seeking anticipatory bail, this petition has been filed on the ground that on the alleged date and time of occurrence, he was away from the place of occurrence and at that time, he attended his relatives namely Thirumaran, who was detained in Central Prison, Madurai. The earlier anticipatory bail application that was filed came to be dismissed by this court, by order, dated 19/05/2022.

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

4.Even though, the learned counsel appearing for the petitioner would submit this fact was brought to the notice of this court, even on the earlier occasion also, I find that no such information was furnished to the court. Only in this petition, the information that was sought through RTI has been produced.

5.The contention on the part of the petitioner that this fact was brought to the notice of the Bench on the earlier occasion is not clear on record.

6.Now whatever it may be, the allegation of transportation of illegal contraband and storing has been alleged. Considering the gravity of the offence, the earlier anticipatory bail application was dismissed by this court.

7.Now a new ground has been raised by the learned counsel appearing for the petitioner to the effect that there was a rental dispute between the owner of the building, who is the de-facto complainant and the petitioner. At his instance, such a false case has been foisted. After a lapse of two months, the alleged <https://www.mhc.tn.gov.in/judis> recovery of the contraband were not remanded to the concerned court. According to him, it is purely a false case, which has been foisted by the de-facto complainant to evict the petitioner from the premises.

8. But I am unable to accept this sort of argument, which is far-fetched one. Absolutely, there is no document to show that there was a dispute with regard to the rent. So the contention on the part of the petitioner that it is a false case cannot be accepted at this stage. When huge quantity of tobacco, which was banned by the Government, was alleged to have been transported from Karnataka and stored in the premises, it requires thorough investigation by subjecting the petitioner to the custodial interrogation. The reason being that the shop, which was rented out to the petitioner bears a sign board as if they are producing food plates. The delay in producing the articles to the concerned court can be a matter for trial by the trial court.

9. I find no change of circumstances and considering the gravity of the offence, the petitioner is not entitled to the relief of anticipatory bail and he must surrender before the authority and seek <https://www.mhc.tn.gov.in/judis> regular bail after custodial interrogation.

10. In the result, this criminal original petition is dismissed.

(G I J) 24.06.2022 ER 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.

<https://www.mhc.tn.gov.in/judis> G.ILANGOVAN ,J er 24/06/2022
<https://www.mhc.tn.gov.in/judis> <https://www.mhc.tn.gov.in/judis>