

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.16552 of 2018

SAKTHI @ SAKTHIVEL,

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

G-2, PERIAMEDU POLICE STATION,

CHENNAI. CR.NO.182 OF 2018

For Petitioner : M/S.S.SUGENDRAN Advocate

For Respondent : MR. C.RAGHAVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.182 of 2018 registered by the respondent police for the offence under Sections 353, 506(i) of IPC r/w Section 7 and 9(ii) of Tamil Nadu Prohibition of Smoking and Spitting Act, 2003.

2. The case of the prosecution as per the de-facto complainant is that the petitioner was found in possession of 300 packets of banned tobacco products, when it was questioned by the defacto complainant, he threatened the defacto complainant and prevented him from discharging his official duty.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that he is only in-charge of the shop and he has nothing to do with the alleged offence.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was found in possession of 300 packets of banned tobacco products worth about Rs.900/-. He would submit that there is no previous case against the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also taking note of the fact that there is no previous case against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XIV Metropolitan Magistrate, Allikulam, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only), by way of Demand Draft to the Director, Arignar Anna Memorial Cancer Hospital and Research Institute, Kanchipuram.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m until further orders;

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

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court 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 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
28/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XIV, ALLIKULAM, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
G-2, PERIAMEDU POLICE STATION,
CHENNAI.

5 THE DIRECTOR,
ARIGNAR ANNA MEMORIAL CANCER HOSPITAL AND
RESEARCH INSTITUTE,
KANCHIPURAM DISTRICT.

+1 CC to M/S.S.SUGENDRAN Advocate on payment of necessary
charges-Sr.11924

CRL OP.16552/2018

Date :28/06/2018

ths : 03.07.2018