

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.17985 of 2018

1 DILIP KUMAR

[PETITIONERS / ACCUSED]

2 RAJESH @ BAVISH KUMAR

Vs

THE INSPECTOR OF POLICE

[RESPONDENT]

F-3, NUNGAMBAKKAM POLICE STATION,

CHENNAI,

CR.NO.435 OF 2018.

For Petitioner : M/S.K.THENRAJAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.435 of 2018 registered by the respondent for the alleged offence punishable under Sections 353, 506(i) of IPC, Section 6(b) and 24(1) of Cigarette and other Tobacco Products Act, 2003.

2. The case of the prosecution is that while the respondent was taking routine vehicle check up, the petitioners along with other accused transported banned tobacco products worth about Rs.20,000/-.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the arrested accused have been enlarged on bail and that based on the confession of the arrested accused, the petitioners have been falsely implicated in this case and hence, they may be granted anticipatory bail on any stringent conditions.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with other accused were found to be illegally transported banned tobacco products worth about Rs.20,000/-.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XIV Metropolitan Magistrate, Egmore, Chennai, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] each of the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only), by way of Demand Draft to the Director, Adyar Cancer Hospital and Research Institute, Adyar, Chennai.

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

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
19/07/2018

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,EGMORE,CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE,EGMORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
F-3, NUNGAMBAKKAM POLICE STATION,
CHENNAI,

5 THE DIRECTOR
ADYAR CANER HOSPITAL AND RESEARCH
INSTITUTE, ADYAR, CHENNAI

+1 CC to M/S.K.THENRAJAN Advocate on payment of necessary
charges SR.NO. 13456

CRL OP.17985/2018

Date :19/07/2018

RD 25/07/2018