

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of August Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.18822 of 2018

MUTHUVEL,

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
P6, KODUNGAIYUR STATION,
CHENNAI.
CR.NO.978 OF 2018.

For Petitioner : M/S.K.S.KAVIARASU Advocate

For Respondent : MR. M.MOHAMED RIYAZ, Additional Public Prosecutor

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.978 of 2018 registered by the respondent for the alleged offence punishable under Section 328 of IPC and Section 24(1) of Cigarette and other Tobacco Products Act, 2003.

2. The case of the prosecution is that on reliable information that some accused were found in selling banned tobacco products, the respondent rushed to the spot and searched and that the first accused was found in possession of banned tobacco products.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case based on the alleged confession statement stated to have been recorded from the first accused, who was arrested. He would submit that the arrested accused has been enlarged on bail. However, he would submit that the petitioner, without prejudice to his contention, is ready to comply with any stringent condition that may be imposed by this Court.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and the first accused involved in selling banned tobacco products. He would submit that the first accused has been arrested and later enlarged on bail. He would submit that there is no case pending against the petitioner.

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 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 V Metropolitan Magistrate, Egmore, Allikulam, Chennai, on condition that 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 petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] 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 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/-

01/08/2018

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.

TO

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

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P6, KODUNGAIYUR POLICE STATION,
CHENNAI.

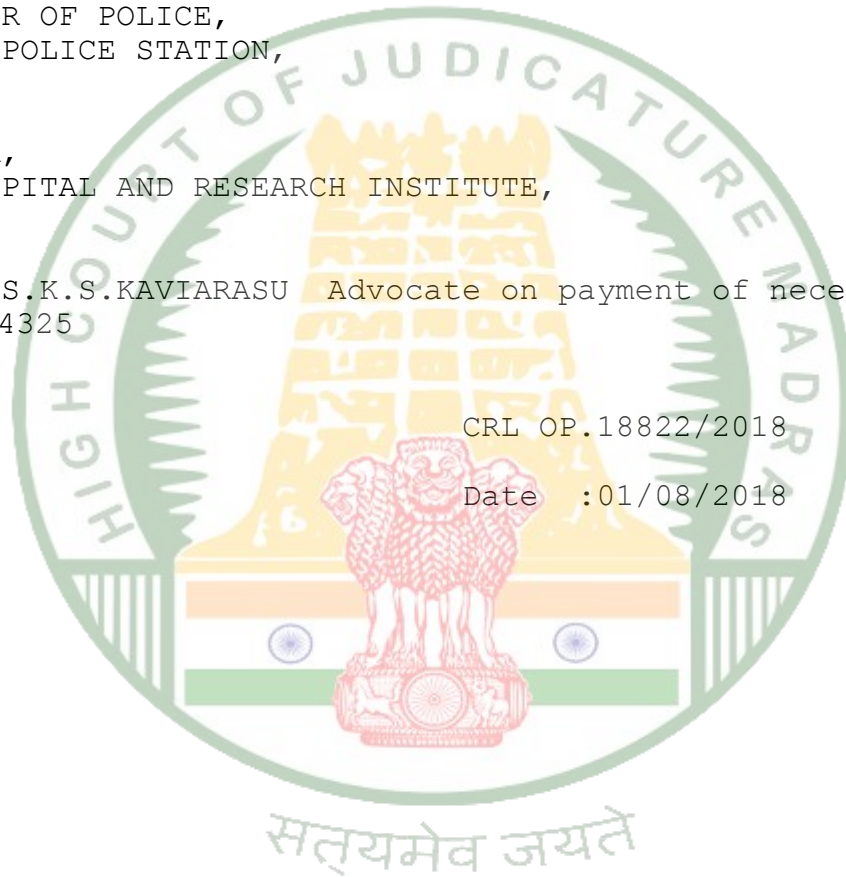
5 THE DIRECTOR,
ADYAR CANCER HOSPITAL AND RESEARCH INSTITUTE,
ADYAR, CHENNAI.

+1 CC to M/S.K.S.KAVIARASU Advocate on payment of necessary
charges SR.NO. 14325

CRL OP.18822/2018

Date :01/08/2018

TA-09/08/2018



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