

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5554 of 2020

MANGUSINGH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
MARANDAHALLI POLICE STATION,
DHARMAPURI DISTRICT
CR.NO.26 OF 2020.

[RESPONDENT]

For Petitioner : M/S.J.BHARATHI RAJA Advocate

For Respondent : MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 328 of IPC, 4(1) (a), 4(1-A) of TN Prohibition Act and 6 (a) and 24(1) of Cigarette and other Tobacco Products Act (COPTA) 2003, in Crime No.26 of 2020 seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner was found in possession of banned Tobacco products. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays to grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner was found in possession of banned Tobacco products. The total value of the Tobacco products is Rs.3,74,000/-. Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and taking note of the fact that the petitioner has come forward to deposit an amount of Rs.50,000/- (Rupees Fifty Thousand only) to the **Adyar Cancer Institute (WIA), East Canal Bank Road,**

Adyar, Chennai. This Court is inclined to grant anticipatory bail to

the petitioner subject to the following conditions:

6. Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) directly to **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, and on such deposit 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 on which the order copy made ready, before the learned Judicial Magistrate, Palacode, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) directly to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** to enable the Incharge to use the aforesaid amount for the purpose of treating the inmates.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
11/03/2020

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 JUDICIAL MAGISTRATE,
PALACODE

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MARANDAHALLI POLICE STATION,
DHARMAPURI DISTRICT

5 THE ADYAR CANCER INSTITUTE[WIA
EAST CANAL BANK ROAD,
ADYAR, CHENNAI

+1CC to M/S.J.BHARATHI RAJA Advocate on payment of necessary charges SR.NO. 4850

सत्यमेव जयते

WEB COPY

CRL OP.5554/2020

Date :11/03/2020

RD 22/05/2020