

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5741 of 2020

R.MUTHUPANDI

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMIL NADU REP. [RESPONDENT]

BY, THE INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION,
TIRUPPUR.

CR.NO.76/2020

For Petitioner : M/S. S.RAMESH Advocate

For Respondent : M/S. K.PRABAKAR, Additional 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 punishable under Section 328 of IPC and Sections 5 and 22(a) of Cigarette and other Tobacco Products Acts 2003, in Crime No.76 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner parked his vehicle on the roadside, while the respondent police searched the parked vehicle on suspicion, he found banned Tobacco Products worth about Rs.2,00,000/-. Hence, this complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and the Co-accused has already been released anticipatory bail by this Court . Hence, he prays to grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner was found in possession of banned Tobacco Products worth about Rs.2,00,000/-. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.III, Tiruppur, 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 Aadhaar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.20,000/- to the Dean, Tiruppur Head Quarters Hospital, Tiruppur, within a period of two weeks from today.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., and 05.30 p.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/-

17/03/2020

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,
NO.III, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

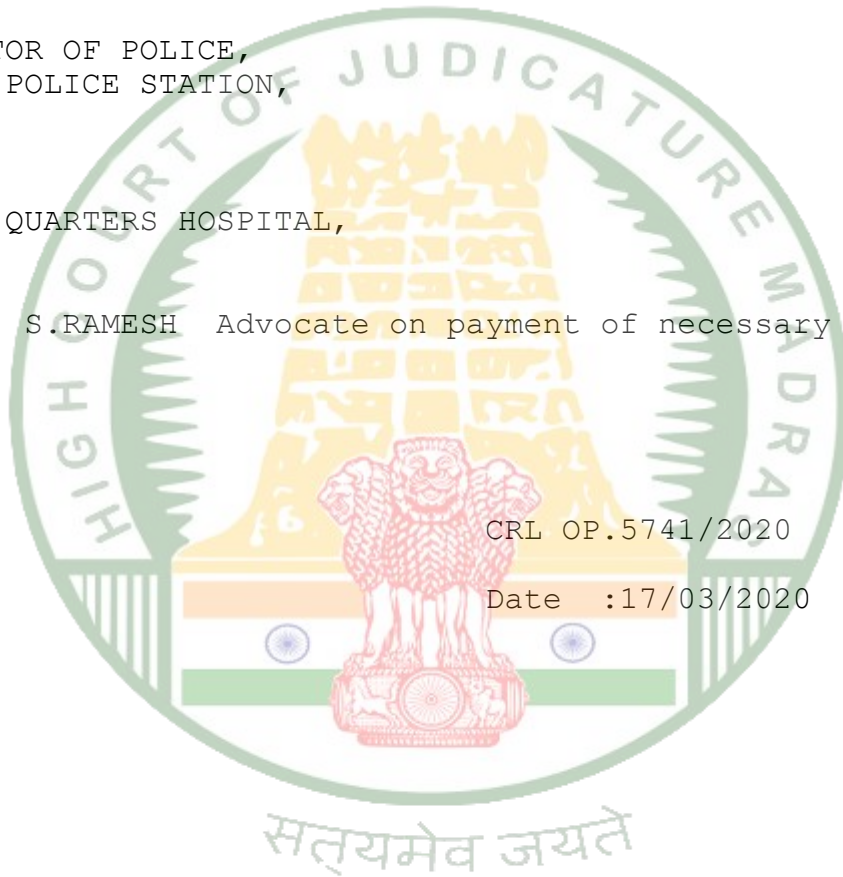
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION,
TIRUPPUR.

5 THE DEAN
TIRUPPUR HEARD QUARTERS HOSPITAL,
TIRUPPUR.

+1 CC to M/S. S.RAMESH Advocate on payment of necessary charges
SR.No.5256

cs 11/05/2020



WEB COPY