

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 8250 of 2020

R. Mathavan M/aged – 36 Yrs
S/o . Ramalingam
No.4, Karthikeyan Road
Arani, Thiruvannamalai District. ... Petitioner/Accused No.3

Vs.

State Represented by
The Inspector of Police
Mathagiri Police Station,
Krishnagiri.
Crime No.334 of 2020 ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
Crime No. 334 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Selvam

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 24(1) of Cigarettes and other products Act 2003, 108(1) and (2) of Tamil Nadu Public Health act 1939 and 328 of I.P.C, in Crime No. 334 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that on 28.04.2020 at about 20.30 hrs, the respondent on information raided a garden at Bellagondapalli village belonging to the 1st accused. During the raid, the 1st and 2nd accused were present, and the prosecution seized totally 8,40,000 packets, 10 gram each, of Hans so called Tobacco, and arrested the accused person on the spot and they were remanded to judicial Custody. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely

implicated in this case based on the confession statement given by co-accused. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent recovered Hans to the quantity of 8,40,000 packets, 10 gram each. He further submitted that there is no previous case pending against the petitioner.

5. Considering the submission made by the learned counsel appearing for the petitioner, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as non refundable deposit to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** without prejudice to his rights and contentions before the trial Court. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as non refundable deposit to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, within a period of four weeks from the date on which the order copy made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Hosur, Vellore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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.5,00,000/- (Rupees Five Lakhs only) to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, within a period of four weeks from the date on which the order copy made ready and shall produce the said receipt before the court below.
- [c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four 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.K.ILANTHIRAIYAN, J

maya/lok

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

26.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order

maya/lok

To

1. The Inspector of Police
Mathagiri Police Station,
Krishnagiri.

2. The Public Prosecutor,
Madras High Court,
Chennai.

Crl.O.P. No. 8250 of 2020