

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2020

CORAM

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

CrI.O.P.No.9030 of 2020

Mangilal
S/o.Jetaji,
No.4/1, Vandikada Street,
Mayiladuthurai,
Nagapattinam District.

... Petitioner/Accused No.4

Vs.

State Rep. by
The Inspector of Police,
Kuthalam Police Station,
Nagapattinam District.
(Crime No.685 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.685 of 2020 on the file of the respondent police.

For Petitioner : Mr. S.Sarath Chandran

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 273, 328 of I.P.C and Section 6 r/w Section 24(1) of Cigarettes and other Tobacco Products Act 2003, in Crime No.685 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner and other accused are alleged to have transported banned Gutka products to the value of Rs.90,00,000/-. Hence, a case was registered against the petitioner.

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 submitted that the quantity of banned Gutka products involved is huge. He further submitted that the petitioner is the owner of the goods and there is no previous case pending against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to 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.1,00,000/- (Rupees One Lakh 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.1,00,000/- (Rupees One Lakh only) as non refundable deposit to the credit of the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, within a period of fifteen days 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-I, Mayiladuthurai, 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.1,00,000/- (Rupees One Lakh only) to the credit of the Cancer Institute (WIA), East Canal

Bank Road, Adyar, Chennai, 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., and 05.30 p.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] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

22.06.2020

Index: Yes/No
Internet: Yes/No
smv

G.K.ILANTHIRAIYAN, J

smv

To

1. The Inspector of Police,
Kuthalam Police Station,
Nagapattinam District.
2. The Public Prosecutor,
Madras High Court,
Chennai.



Crl.O.P.No.9030 of 2020

WEB COPY

22.06.2020