

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10366 of 2020

Purushothaman

... Petitioner

Vs.

State rep. By

The Inspector of Police,
Maraimalai Nagar Police Station,
(Crime No.1218 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.1218 of 2020, on the file of the respondent police.

For Petitioner : Mr.A.Damodaran

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 353 and 506(i) of IPC read with Section 22(a) of Cigarette and other Tobacco Products Act, in Crime No.1218 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the Prosecution is that the Petitioner was illegally found in possession of 6 bags containing 1200 packets of tobacco products value of Rs.18,000/-. 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. On instruction, he would further submit that the petitioner is prepared to deposit some considerable amount to any charitable organization or association without prejudice to his contention and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was illegally found in possession of 1200 packets of tobacco products value of Rs.18,000/-. He further submitted that there are no previous case pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to The Dean, Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, without prejudice to his rights and contentions before the trial Court.

6. 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.

7. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) The petitioner is directed to deposit a sum of Rs.25,000/- as non-refundable deposit either through RTGS/NEFT or in cash in favour of The Dean, Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or his appearance and on production of proof of deposit of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give an letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

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

[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 the 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.

8. With the above directions, this Criminal Original Petition is ordered.

9. For reporting compliance, post on 03.08.2020.

-sd/-

10/07/2020

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.II, CHENGALPATTU,
KANCHEEPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEAN,
ARIGNAR ANNA MEMORIAL CANCER HOSPITAL &
RESEARCH INSTITUTE, KANCHEEPURAM

4 INSPECTOR OF POLICE,
MARAIMALAI NAGAR POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S. A.DAMODARAN Advocate on payment of necessary charges

CRL OP.10366/2020

Date :10/07/2020

RVR 20/07/2020

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