

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13835 of 2020

Thangarasu

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
B1, Dharmapuri Police Station,
Dharmapuri.
(Crime No. 57 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner in the event of his arrest or on his appearance before the any court in connection with the case in Crime No. 57 of 2020

For Petitioner : Mr.S.Vinoth Kumar

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 Section 328 of IPC, Section 4(1)(a), 4(1-A) of Tamilnadu Prohibition Act and Section 6(a), 24(1) of Cigarettes and other Tobacco Products Act, 2003, in Crime No. 57 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that the petitioner was found in illegal transportation of banned tobacco substances, which worth Rs.7.5 lakhs. 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. He would submit without prejudice to his defence, the petitioner has taken DD for a sum of Rs.75,000/- to the credit of Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai, in D.D.No.810221, dated 22.09.2020 and that the petitioner will handover the same before the concerned Magistrate within the stipulated time frame. He would submit that there is no previous case pending against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in possession of banned tobacco substances, worth Rs.7,50,000/- illegally. He would further submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5 Taking into consideration the facts and submissions made by the learned counsel and considering the fact that the petitioner has taken DD for a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) in favour of 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 be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.I, Dharmapuri, on condition that the petitioner shall execute a separate 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] At the time of executing surety the petitioner shall produce necessary proof for handing over the demand draft in D.D.No.810221, dated 22.09.2020 for a sum of Rs.75,000/- to the credit of Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai, before the concerned Magistrate Court.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.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 229A IPC.

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

-sd/-

23/09/2020

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.I, DHARMAPURI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
B1,DHARMAPURI POLICE STATION,
DHARMAPURI

4 ADYAR CANCER INSTITUTE (WIA),
EAST CANAL BANK ROAD, ADYAR, CHENNAI,

CC to M/S.S.VINOTH KUMAR Advocate on payment of necessary charges Sr.6403

CRL OP.13835/2020

Date :23/09/2020

RVR 13/10/2020

WEB COPY