

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15595 of 2020

V.Manohar Singh

.... Petitioner

Vs.

State by:

The Inspector of Police,
Rasipuram Police Station,
Namakkal District.

(Crime No.1540 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.1540 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Mohamed Saifulla

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, 1860 and Section 7(1) of Cigarette and other Tobacco Products Acts 2003, in Crime No.1540 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner had supplied the banned tobacco products (100 Bundles of Hans-12 Bags, 50 Bundles of Hans-4, 200 and 50 Bundles-vimal panmasala, 47 Bundles of Coollip and 12 Box Rmd) worth about of Rs.5,00,000/- Hence, the complaint was registered.

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 further submit that banned tobacco products have been seized by the respondent police. On instruction, he would further submit that the petitioner without prejudice to his defence, is prepared to make considerable donation to any charitable Organization or Association. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently opposed that the petitioner had supplied the banned tobacco products (100 Bundles of Hans-12 Bags, 50 Bundles of Hans-4, 200 and 50 Bundles-vimal panmasala, 47 Bundles of Coollip and 12 Box Rmd) worth about of Rs.5,00,000/- and the banned tobacco products have been seized by the respondent police.

5. At the juncture, the learned counsel for the petitioner would submit that petitioner without prejudice to his defence, is prepared to make considerable donation to any charitable Organization or Association.

6. Taking into consideration the facts and submissions of the learned counsels, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

[a] Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- as non refundable deposit through RTGS/NEFT in favour of the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai-600 020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch, on such deposit, the petitioner is ordered 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 a copy of this order is made ready, before the learned Judicial Magistrate Court, Rasipuramr, on condition that that 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of four 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.

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

-sd/-

05/10/2020

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 COURT,
RASIPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE CANCER INSTITUTE (WIA) (REGIONAL CANCER CENTRE),
ADYAR, CHENNAI-600 020, BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH,

+1CC to M/S. M.MOHAMED SAIFULLA Advocate on payment of
necessary charges SR NO.6695

CRL OP.15595/2020

Date :05/10/2020

MK:14/10/2020

<https://hcservices.ecourts.gov.in/hcservices/>