

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17618 of 2020

P.Veeramani

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
M2 Madhavaram Milk, Colony Police Station
Chennai-600 051.
Cr.No.2650 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.2650 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.K.Sathia Seelan

For Respondent : Mr.M.Mohamed Riaz
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 offence under Sections 6(b), 24 Cigarette and other Tobacco Products Act 2003 and 328 of IPC r/w Sections 7, 9(ii) Smoking and Spitting Act 2003 in Crime No.2650 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 1/2 kg of banned Tobacco products. Hence the complaint.

3. The learned counsel for the petitioner would submit that this is the third anticipatory bail application and the earlier applications were dismissed by this Court on the ground that the petitioner is having one previous case of similar in nature. Without prejudice to his contentions, the petitioner has taken a Demand Draft for Rs.1 lakh in favour of Cancer Institute, Adyar, Chennai. He would further submit that the Demand Draft was drawn at Corporation Bank vide DD No.535191 dated 08.10.2020.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in illegal possession of 6 kgs of banned Tobacco products worth Rs.80,000/-. He would further submit that the petitioner has one previous case in Crime No.1373 of 2018 on the file of the Thiruverkadu P.S, which is similar in nature. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and that the petitioner has offered to donate a considerable amount to Cancer Institute Adyar, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is directed to handover the DD bearing No.535191 dated 08.10.2020 to the Cancer Institute Adyar and produce proof for the same and thereby he is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days before the Judicial Magistrate Court, Madhavaram, 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 conditions that:

(b) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 daily at 10.30 a.m., for a period of two weeks and thereafter every Monday, for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during n

(d) the petitioner shall not abscond either during investigating or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

10/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
MADHAVARAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
1HIGH COURT, MADRAS.

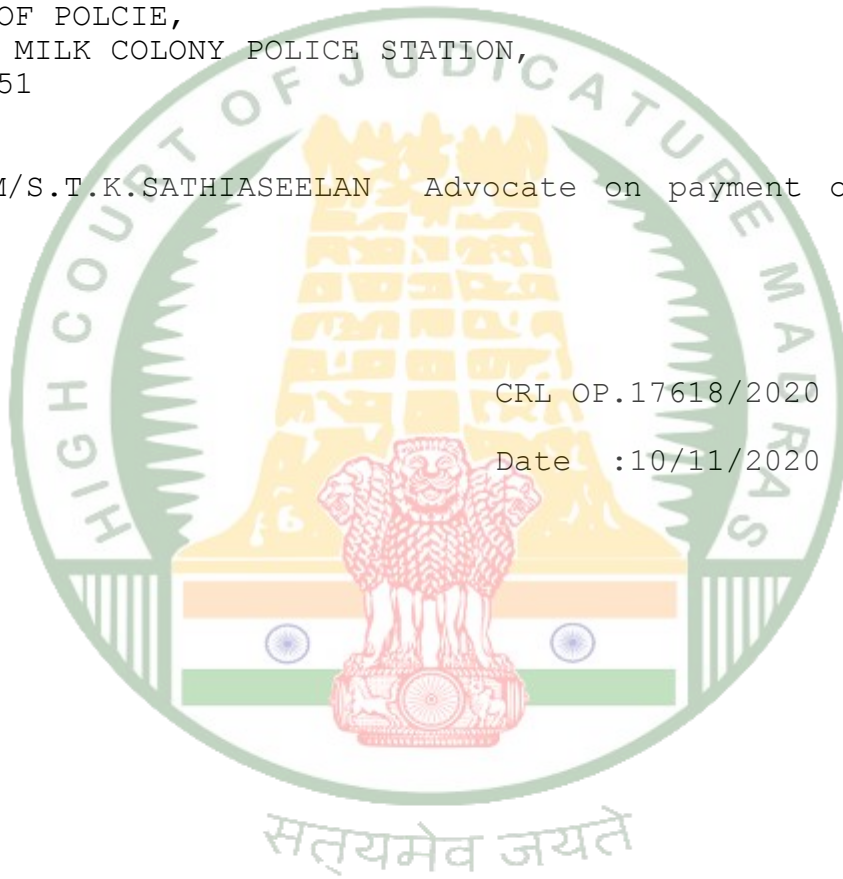
4 INSPECTOR OF POLICE,
M2 MADHAVARAM MILK COLONY POLICE STATION,
CHENNAI-600 051

CC to M/S.T.K.SATHIASEELAN Advocate on payment of necessary
charges

CRL OP.17618/2020

Date :10/11/2020

RVR 01/12/2020



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