

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17952 of 2020

Dhayalan

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Sriperumandur Police Station
Kanchipuram District.
(Crime No.2628 of 2020) Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest in Crime No.2628 of 2020 on the file of the Respondent.

For Petitioner : Mr.M.Karthik

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 24 (1) Tobacco Substances act r/w 328 of I.P.C in Crime No.2628 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner was found in illegal possession of 100 kgs of Tobacco Products. 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 further submit that the petitioner is prepared to donate/pay some considerable amount to any charitable organization or association without prejudice to his defence and prayed for grant of anticipatory bail.

4 The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was found in illegal possession of 100 kgs of Tobacco Products. He further submitted 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 voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.25,000/- as non refundable deposit to **'The Chief Minister's Public Relief Fund', Indian Overseas Bank, SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172** 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 Taking note of 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 Chief Minister's Public Relief Fund', Indian Overseas Bank, SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172**, within fifteen (15) days from the date on which the copy of the order is made ready. 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 payment of the above amount and on further 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 the like sum to the satisfaction of the police officer who intends to arrest or to the satisfaction of the District cum Judicial Magistrate, Sriperumbudur, failing which the petition for anticipatory bail shall stand dismissed automatically.

[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 every Monday and Friday 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
11/11/2020

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 DISTRICT CUM JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SRIPERUMBUDUR POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE CHIEF MINISTERS PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK, SB.A/C. NO. _____,
117201000000070, IFSC CODE. NO.IOBA0001172,

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

CRL OP.17952/2020

Date :11/11/2020

TA-30/11/2020