

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.18312 of 2020

1. S. Chandrakirana
2. Saminathan
3. Sree Ranjith Kumar

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Rayakottai Police Station,
Tenkani Taluk, Krishnagiri.
(Cr.No.617 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of his arrest by the respondent police concerned in Crime No.617 of 2020 on the file of the respondent.

For Petitioners : Mr.K.Gajendiran

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

ORDER

(This case has been heard through video conference)

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 273 and 328 of I.P.C r/w 7 & 20 (1) of Cigarette and Tobacco Act, 2003 , in Crime No.617 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons have involved in transporting banned tobacco products illegally worth Rs.28,00,000/- . Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the first and second petitioners are working in the transport company as manager and they have nothing to do with the alleged offence and there is no previous case pending against these petitioners. He would further submit that without prejudice to his defence and contentions the petitioners are prepared to make considerable donation to any Charitable Organization or Association.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with other accused persons involved in transporting banned tobacco products illegally worth Rs.28,00,000/- . He would further submit that there is no previous case against these petitioners and A10 in this case is still in custody. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. In order to curb the illegal activities, this Court is of the opinion that all the petitioners shall deposit a sum of Rs.50,000/- (Rupees fifty Thousand only) each 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 their rights and contentions before the trial Court.

6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of her 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 petitioners with certain conditions:-

[a] Each of the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees fifty Thousand only) 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 of receipt of a copy of this order. Thereafter, the petitioners are directed to be released on bail in the event of their arrest or on their appearance and on production of proof of payment of the above amount the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 Judicial Magistrate Court, Tenkani Kottai, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners 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 petitioners shall report before the respondent police every Monday and Friday at 10.30 am until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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/-

20/11/2020

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 JUDICIAL MAGISTRATE,
TENKANIKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
TAYAKOTTAI POLICE STATION,
TENKANI TALUK, KRISHNAGIRI DISTRICT.

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

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

CRL OP.18312/2020

Date :20/11/2020

RVR 10/12/2020