

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.19029 of 2020

1.Mohamed Sheik Syed Ashik H
2.Ravindra Kumar Baskarrao
3.S.Murugan
4.B.Dilli Ganesh

... Petitioners

Vs.

The State rep. by
Inspector of Police,
P6 Kodungaiyur Police Station
Sidco Main Road, Kannadasan Nagar,
Kodungaiyur, Chennai - 600 118
(Crime No.1168 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in crime No.1168 of 2020 on the file of the respondent police.

For Petitioners : Mr.T.K.Sathia Seelan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under **Sections 328, 273 of IPC**, in Crime No.1168 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of 375 kgs. of banned tobacco products worth Rs.1 lakhs. 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 based on the confession A1. He would further submit that there is no previous case against the petitioners. On instructions, he would further submit that without prejudice to their defence, the petitioners are prepared to deposit considerable amount

to any charitable Organization or Association and prays to grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioners were found in possession of banned tobacco products worth Rs.1 lakh. He would further submit that A1 has been arrested and still in custody and there is no previous case against the petitioners.

5. In order to club the illegal activities and taking into consideration of the voluntary submission made by the petitioners offering to donate/pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioners shall be directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) as non-refundable deposit through RGS/NEFT in favour of the **"The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856,** on such payment and production of proof, they shall be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned X Metropolitan Magistrate, Egmore, Chennai,** on condition that the petitioners 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] Merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

[b] the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioners shall not commit any offences of similar nature;

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

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

17/12/2020

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 X METROPOLITAN MAGISTRATE, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, P6
KODUNGAIYUR POLICE STATION, SIDCO MAIN ROAD,
KANNADASAN NAGAR, KODUNGAIYUR, CHENNAI - 600 118.

5 THE DEAN, RAJIV GANDHI GOVERNMENT GENERAL HOSPITAL,
CHENNAI, BEARING A/C. NO.10273425961, STATE BANK OF INDIA,
PARK TOWN (CHENNAI), 68, EVENING BAZAAR ROAD, CHENNAI

+1 CC to M/S.T.K.SATHIA SEELAN Advocate on payment of necessary charges SR.NO.8458

CRL OP.19029/2020

Date :17/12/2020

GKS:30/12/2020