



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2020

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.6351 of 2020

SOWNTHAR

... PETITIONER/ACCUSED RANK NO.2

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
AVUDAIYARKOIL POLICE STATION,
PUDUKKOTTAI DISTRICT
CRIME NO 34 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.B.Jameel Arasu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.34 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 273 and 328 of IPC, r/w Sections 7 and 20(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.34 of 2020, on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that on 04.05.2020, when the respondent police conducted a routine checkup, A-1 was found in possession of 69.250 kg of tobacco products illegally transported in his vehicle bearing Reg.No.TN-55-AF-6109. Hence, a complaint has



4.The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent and he has been falsely implicated in the above said case. Further, the learned counsel, on instructions from the petitioner, would submit that without any prejudice to his rights and contentions, the petitioner is ready to pay a sum of Rs.25,000/- (Rupees Twenty Five thousand only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Pudukkottai Medical College Hospital, Pudukkottai District', for the purpose of providing facilities to the Health workers.

5.The learned Government Advocate(Criminal Side) submitted that the first accused, in his confession statement, stated that he purchased the tobacco bundle from this petitioner's shop for selling to various retail shop and to earn income. Hence, he opposed to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with certain conditions:-

(i) Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Aranthanki, Pudukkottai District, and on his executing 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 learned Magistrate concerned;

(ii) The petitioner is directed to pay a sum of Rs.25,000/- (Rupees Twenty five thousand only), by way of Demand Draft, in favour of '**The Dean, Pudukkottai Medical College Hospital, Pudukkottai District**', on or before 29.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his rights and contentions since the Health workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic;

(iii) The petitioner shall appear before the respondent police as and when required for the purpose of interrogation.

(iv)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]**; and;

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



7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

8.The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
19/06/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
ARANTHANKI, PUDUKKOTTAI DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
AVUDAIYAR KOIL POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE DEAN,
PUDUKKOTTAI MEDICAL COLLEGE HOSPITAL,
PUDUKKOTTAI DISTRICT.

ORDER
IN
CRL OP(MD) No.6351 of 2020
Date :19/06/2020

SJI
JM/PN/SAR 3/22.06.2020/2P/6C