



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/12/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.14042 of 2020

1.Kanpath Lal
2.Thandram

... Petitioners/Accused No.1 & 2

Vs

State Rep. by
The Inspector of Police,
Ariyamangalam Police Station,
Trichy District.
(Crime No.481 of 2020)

... Respondent/Complainant

For Petitioners: Mr.T.Senthil Kumar,
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.481 of 2020 on the file of respondent police.

ORDER : The Court made the following order :-

The petitioner, who are arrayed as A1 & A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 273, 328 IPC and Sections 7(1) and 20(1) of Cigarettes and other Tobacco Products Act, 2003, in Crime No.481 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners were having 1000 Kgs of Tobacco products in the godown. Based on the information, the respondent police seized the contraband. Hence, the crime has been registered.

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



4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the contraband were seized from the petitioners' godown. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners shall make a non refundable deposit of Rs.1,00,000/- (Rupees One lakh only) each to the credit of Arignar Anna Cancer Institute, Kanchipuram, without prejudice to their rights and contentions before the trial Court, and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Trichy, on condition that the petitioners shall execute a 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)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;

(b)the petitioners shall report before the respondent police daily twice i.e. at 10.00 a.m and 5.00 p.m. for a period of two weeks and thereafter as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)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]; and;



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

sd/-
04/12/2020

WEB COPY

/ 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 NO.I,
TRICHY
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ARIGNAR ANNA CANCER INSTITUTE,
KANCHIPURAM.

ORDER
IN
CRL OP(MD) No.14042 of 2020
Date :04/12/2020

vsd
JM/PN/SAR III/10.12.2020/3P/6C