

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5347 of 2021

Mangu Singh

... Petitioner

-Vs-

State rep by,

... Respondent

The Inspector of Police,
Marandahalli Police Station,
Dharmapuri District.
(Crime No.26 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.26 of 2020 is pending on the file of the respondent police.

For Petitioner	: Mr.J.Bharathi Raja
For Respondent	: Mr.S.Karthikeyan Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 328 of IPC, Sections of 4(1)(a), 4(1-A) of TN Prohibition Act and also under Section 69(a) and 24(1) of Cigarette and Other Tobacco Products Act (COTPA) 2003, in Crime No.26 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. This is the second anticipatory bail application before this Court. Earlier, this Court had granted anticipatory bail to the petitioner with a condition that the petitioner shall deposit a sum of Rs.50,000/- to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai since the petitioner could not execute the sureties and deposit the amount in time. Thereafter, he filed a petition to seek extension of time and the extension of time

petition was dismissed with liberty to file a fresh application enclosing the cost memo already paid. Hence, the petitioner has filed the present anticipatory bail application before this Court.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

4. Considering the facts and circumstances of the case and that the petitioner has already deposited a sum of Rs.50,000/-to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and enclosed a copy of the cost memo, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Palacode, on 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 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 petitioner shall report before the respondent Police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.

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

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

-sd/-
17/03/2021

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,
PALACODE.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MARANDAHALLI POLICE STATION,
DHARMAPURI DISTRICT.

5 THE ADYAR CANCER INSTITUTE (WIA),
EAST CANAL BANK ROAD,
ADYAR, CHENNAI.

+1 CC to M/S.J.BHARATHI RAJA Advocate on payment of necessary charges SR.NO.3559

CRL OP.5347/2021

Date :17/03/2021

TA-07/04/2021