

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.7327 of 2021

M.Sarfudeen

.. Petitioner/A5

Vs.

State represented by
Inspector of Police,
B2, Shevapet Police Station,
Salem city, Salem - 636 002.
(Crime No.1259 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1259 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.C.E.Pratap
G.A.(Crl.Side)

O R D E R

(The case has been heard through video conference)

This is the second anticipatory bail application filed by the petitioner/A5, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 & Sections 6, 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.1259 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had supplied the banned Tobacco Products (200 Bundles of Hans Chaap Tobacco-30 bags, 50 Bundles of Hans-4, 200 and 400 Bundles-Vimal Panmasala-30 bags, 100 Bundles of Takkar Pan Masala Strong -30 bags, Cool Lip Filter Tobacco 30 bundles of 3 bags, 100 bundles of TS Chewing Tobacco of 30 bags, 400 bundles of V-1 Tobacco -30 bags, 25 bundles of RMD Pan Masala -60 bags, 7 M-Saccend tobacco Gold 60 bags) illegally. Hence, the complaint was registered.

3. Earlier, this Court dismissed the anticipatory bail application filed by the petitioner on 08.02.2021, considering the fact that the petitioner is a habitual offender.

4. The learned counsel appearing for the petitioner would submit that all the co-accused were arrested and released on bail and the banned goods were recovered from the other accused. He further submitted that the investigation is almost over and that this is the second anticipatory bail application.

5. The learned Government Advocate (Crl.Side) strongly opposed the granting of anticipatory bail to the petitioner. He submitted that the earlier anticipatory bail application moved by the petitioner was dismissed by this Court on 08.02.2021, in Crl.O.P.No.20657 of 2020.

6. Hear both sides.

7. Taking into consideration the facts and circumstances of the case, and the fact that the co-accused were arrested and released on bail, banned goods were recovered from the accused and the investigation is almost over, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

(a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Salem, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

(b) 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 petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

(d) The petitioner shall not tamper with evidence or witness either during investigation or trial.

(e) The petitioner 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 petitioner 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

(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/-
18/06/2021

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 NO.III,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
B2, SHEVAPET POLICE STATION,
SALEM CITY, SALEM-636 002.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. B.VASUDEVAN Advocate on payment of necessary charges SR NO.6650

CRL OP.7327/2021

Date :18/06/2021

MK:02/07/2021