

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4092 of 2021

SHRIKANT TYAGI @ SONU

[PETITIONER/ACCUSED]

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE,
P4, BASIN BRIDGE POLICE STATION,
CHENNAI.
CRIME NO. 40 OF 2021.

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.J.SAMIULLAH Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

(This Case has been heard through Video Conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 24(1) of Cigarette and other Tobacco Products Act 2003 and 328 of IPC, in Crime No.40 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that A1 in this case was found in possession of 36 kg of banned tobacco products and sold the General Public. Based on the confession of co-accused, this petitioner was implicated in this case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that co-accused had already been arrested and he was released on bail by the Principal Sessions Judge, Chennai in Crl.M.P.No.1489 of 2021 dated 05.02.2021. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that A1 in this case was found in possession of 36 kg of banned tobacco products and sold the General Public. Based on the confession of co-accused, this petitioner was implicated in this case. He would further submit that earlier the petitioner had moved the anticipatory bail application before the Principal Sessions Judge, Chennai and the same was dismissed in CrI.M.P.No.2405 of 2021 dated 18.02.2021. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the co-accused had already been arrested and thereafter he was released on bail and there is no previous case pending as against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 X Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioner shall execute 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 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.

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

-sd/-
10/03/2021

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 X METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHEIF METRTOPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P 4, BASIN BRIDGE POLICE STATION,
CHENNAI.

+1 CC to M/S.J.SAMIULLAH Advocate on payment of necessary charges SR NO. 3265

सत्यमेव जयते

CRL OP.4092/2021

Date :10/03/2021

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MN-15/03/2021