

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5420 of 2021

1 CHALLADURAI [PETITIONER / ACCUSED]
2 RANJITH

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ELAVANASURKOTTAI POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.14/2021.

For Petitioner : M/S. M.P.RAJAVELAYUTHAM Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.14 of 2021 on the file of the respondent police for the alleged offence u/s 294(b), 353, 506(2) of IPC and 24(1) of The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, seek anticipatory bail.

2. I have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and also perused the records carefully.

3. There are totally three accused involved in this case and the petitioners have been arrayed as A2 and A3. The allegation is that they have indulged in illegal transportation of 1120 packets of banned tobacco substances along with A1. The 2nd petitioner is stated to be the owner of the vehicle in which the contraband was being transported for sale illegally.

4. The learned counsel for the petitioners would submit that the petitioners are innocents of the alleged offence. They have been falsely implicated in the case. The petitioners are ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail to them.

5. The learned counsel for the petitioners would further submit that even according to the prosecution it is the first time offence and the petitioners are prepared to donate a reasonable amount to charity.

6. The learned Additional Public Prosecutor would stoutly oppose the petition for anticipatory bail. He would however fairly submit that there is no bad antecedent reported against the petitioners and A1, who was arrested and remanded to judicial custody, had been released on bail.

7. Considering the fact that the entire contraband had been seized and the fact that the petitioners are being prosecuted for a criminal offence for the first time and there is no bad antecedent reported against the petitioners and all other facts and circumstances of the case including the fact that A1 had been released on bail, this court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:-

(a) The petitioners are directed to donate a sum of Rs.5000/- (Rupees Five Thousand only) jointly either in cash or demand draft or through NEFT to the credit of **A/C 1026101033653 maintained by Sri Saratha Devi Anbu Illam (Contact No. 9791584495) with Canara Bank (IFSC CNRB0001026), Kanniyakumari Branch,** within fifteen (15) days from the date of receipt of a copy of this order. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance before the learned **Judicial Magistrate-I, Ulundurpet, Villupuram District,** on each of them 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, 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 petitioners shall report before the respondent police as and when required by the police for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners have been released on bail by the learned Magistrate himself /Trial Court as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

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

-sd/-
19/03/2021

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-I,
ULUNDURPET, VILLUPURAM DISTRICT,

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ELAVANASURKOTTAI POLICE STATION,
VILLUPURAM DISTRICT.

5 THE SRI SARATHA DEVI ANBU ILLAM (CONTACT NO.
9791584495) WITH CANARA BANK (IFSC
CNRB0001026), KANNIYAKUMARI BRANCH, A/C 1026101033653

+1 CC to M/S. M.P.RAJAVELAYUTHAM Advocate on payment of
necessary charges SR.NO.3738

CRL OP.5420/2021

Date :19/03/2021

TA-29/03/2021