

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5065 of 2021

R.MANIKANDAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
S-14, PEERKANKARANAI POLICE STATION,
CHENGALPATTU DISTRICT.
CRIME NO.34 OF 2021

[RESPONDENT]

For Petitioner : M/S.P.SHIVARAJ MOHAN Advocate

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

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.34 of 2021 on the file of the respondent police for the alleged offence u/s 328, 353, 506(i) of IPC r/w 24(1) of The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, seeks anticipatory bail.

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

3. The petitioner has been arrayed as A1. The petitioner is said to have indulged in illegal transportation of 1046 Kgs of banned tobacco substances. The petitioner is stated to be the owner of the vehicle in which the contraband was being transported to the go-down where the contraband was planned to be stored for sale illegally.

4. The learned counsel for the petitioner would submit that the petitioner is innocent of the alleged offence. The petitioner was made as accused only on the basis of the confession of A2. The petitioner is ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

5. The learned counsel for the petitioner would further submit that even according to the prosecution it is the first time offence at any level and the petitioner is 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 petitioner.

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

(a) The petitioners are directed to donate a sum of Rs.20,000/- (Rupees Twenty Thousand only) either in cash or demand draft or through NEFT to the credit of A/c 118901000002771 maintained by Universal Peak Foundation, Nalla Goundayann Palayam, Coimbatore with Indian Overseas Bank (IFSC IOBA0001189), Sokkampalayam, Coimbatore District, 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 his appearance before the learned Judicial Magistrate-I, Tambaram, on 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 petitioner shall report before the respondent police as and when required by the police for interrogation.

[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 petitioner 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

[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/-
15/03/2021

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 NO.I,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-14, PEERKANKARANAI POLICE STATION,
CHENGALPATTU DISTRICT.

5 UNIVERSAL PEAK FOUNDATION,
NALLA GOUNDAYANN PALAYAM,
COIMBATORE WITH INDIAN OVERSEAS BANK (IFSC IOBA0001189),
SOKKAMPALAYAM, COIMBATORE DISTRICT

+1CC to M/S.P.SHIVARAJ MOHAN Advocate on payment of
necessary charges SR NO.3395

CRL OP.5065/2021

Date :15/03/2021

MK:22/03/2021