

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6724 of 2021

SENTHIL @ KANAGALINGAM

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

THE INSPECTOR OF POLICE

E1 - MYLAPORE POLICE STATION,

CHENNAI - 4.

CR.NO.1229 OF 2020

[RESPONDENT]

For Petitioner : M/S.J.PRAKASH Advocate

For Respondent : M/S. A.GOPINATH, Government Advocate (crl.side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest for the alleged offences under Sections 7, 9 of IPC-Cigarette and other Tobacco Products Act, 2003 and 328 of IPC, in Crime No.1229 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally transported 5 tones of tobacco products. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.25,000/- to the Adyar Cancer Hospital and Research Institute, Adyar, Chennai and prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner had illegally transported 5 tones of tobacco products. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 (*)**XVIII Metropolitan Magistrate, Saidapet, Chennai-15**, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to the Adyar Cancer Hospital and Research Institute, Adyar, Chennai by way of a Demand Draft and the petitioner shall produce the receipt for the same before the said Court at the time of executing the bond;

[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 daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

WEB COPY

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

-sd/-

09/04/2021

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.

(*) Satisfaction Court is amended and Time is granted for a further period of two weeks from today to comply with the condition imposed by this Court in Crl.OP No.6724 of 2021. It is made clear that no further extension of time will be granted by this Court, as per Order of this Court dated 02.06.2021 made in Crl.MP.No.5613/2021 in Crl.OP.No.6724/2021

TO

(*) 1 THE METROPOLITAN MAGISTRATE,
NO.XVIII, SAIDAPET, CHENNAI-15.

2 THE XVIII JUDICIAL MAGISTRATE,
EGMORE, CHENNAI-8.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

4 THE INSPECTOR OF POLICE
E1 - MYLAPORE POLICE STATION,
CHENNAI - 4.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE ADYAR CANCER HOSPITAL AND RESEARCH INSTITUTE,
ADYAR, CHENNAI.

CC to M/S.A.ANANDHARAJ Advocate on payment of necessary charges

CRL OP.6724/2021

Date :09/04/2021

cs 22/04/2021

cs 16/06/2021