

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6753 of 2021

1 CHARLES DISOSA
2 MANIKANDAN
3 KAREEMULLAH
4 PRANAV
5 NAVEEN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
G3-KILPAUK POLICE STATION,
CHENNAI.
CRIME NO.99/2021

[RESPONDENT]

For Petitioner : M/S T.SHANMUGABOOPATHI Advocate

For Respondent : M/S.KRITIKA KAMAL .P, Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 4 and 5 of the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act 2019 r/w 353 of IPC in Crime No.99 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the respondent police on a routine vigil found the petitioners using and selling banned tobacco products in a Bull Dog Restaurant. Hence, the law enforcing agency registered the present complaint.

3.The learned counsel for the petitioners submitted that the petitioners no way connected with the offence and a false complaint has been lodged against the petitioners. He further submits that the petitioners are ready to abide any condition as imposed by this Court. Hence, prayed for grant of anticipatory bail.

4.The learned Government Advocate (Crl.side) submitted that the petitioners are A1 to A3, A5 and A6. A1 and A2 are waiters in the restaurant, A3 is the chef of the restaurant and A5 and A6 are partners of the restaurant. She further submitted that no previous case is pending as against the petitioners.

5.Taking into consideration the nature of allegation against the petitioners and also that no previous case is pending as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XXI Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] each of the petitioners shall deposit a sum of Rs.15,000/- (Rupees Five Thousand only) by way of Demand Draft to the Director, Adyar Cancer Hospital and Research Centre, Adyar, Chennai,

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

[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 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].

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

-sd/-
15/04/2021

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.

TO

1 THE METROPOLITAN MAGISTRATE
NO.XXI, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
G3-KILPAUK POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DIRECTOR
ADYAR CANCER HOSPITAL AND RESEARCH CENTRE,
ADYAR, CHENNAI.

+2 CC to M/S T.SHANMUGABOOPATHI Advocate on payment of necessary charges SR.No.4846

CRL OP.6753/2021

Date :15/04/2021

cs 24/05/2021

MK:04/06/2021

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