

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7215 of 2021

PARTHIBAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

VELLORE NORTH(L AND O) POLICE STATION,

VELLORE DISTRICT.

For Petitioner : M/S.E.KANNADASAN Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (CrI. Side)

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 at the hands of the respondent police for the alleged offence under Sections 6(a), 24(1) of Cigarette and other Tobacco Products Act r/w.273, 328 of I.P.C. in Crime No.50 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were said to have found in possession of tobacco products , viz., 15 Nos. Cotton Box containing 1500 Nos. of Hans Packet (each packet containing 10 grams) and 1 No. white color bag containing 720 Nos. of Cool Lip Tobacco Packet (each packet containing 100 grams), 20 Nos. of bag containing 30,000/- Nos. of Vimal Pan Masala and 3 Nos. of bag containing 17,280 Nos. of MDM Gold 5760 illegally. Hence, the present complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is running petty bunk shop. He further submits that based on the confession of the co-accused persons, the petitioner has been falsely implicated in this case. He further submits that the petitioner without prejudice to his defence and contentions, in order to show his bona fide, on his own volition, he is ready to deposit an amount of Rs.50,000/- to the Adyar Cancer Institute (WIA), East Canal

Bank Road, Adyar, Chennai and prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submits that the respondent police red handed the petitioner and the other accused as they were found in possession of tobacco products totally worth about Rs. 4 lakhs and the entire contraband were seized. The value involved being very substantial, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.50,000/- to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- by way of demand draft to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and on such deposit being made, the petitioner shall be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date on which the order copy is made ready, before the Judicial Magistrate IV, Vellore and on further 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 and 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.

[b] the petitioner is directed to deposit a sum of Rs.50,000/- by way of demand draft to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, which is the subject matter of the present petition.

[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 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/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 229A IPC.

-sd/-

19/04/2021

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 JUDICIAL MAGISTRATE,
IV, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
VELLORE NORTH (L AND O) POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ADYAR CANCER
INSTITUTE (WIA), EAST CANAL BANK ROAD,
ADYAR, CHENNAI

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges
Sr.5071

CRL OP.7215/2021

Date :19/04/2021

RVR 23/04/2021