



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14392 of 2021

MUTHUPANDI

[PETITIONER / ACCUSED]

Vs

THE STATE REP
THE INSPECTOR OF POLICE,
ENNORE POLICE STATION.
(CRIME NO. 3989 OF 2020)

[RESPONDENT]

For Petitioner : M/S.M.GANESH BABU Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. 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 punishable under Sections 353, 506(i) of IPC and Section 7 and 20(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.3989 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was illegally carrying 195 kg of banned Tobacco Products in his two wheeler. Hence, the case was registered against the petitioner on the complaint made by the defacto complainant.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.2,00,000/- for any welfare activities as may be ordered by this Court. In fact, learned counsel for the petitioner submits that a sum of Rs.1,00,000/- be given to " The Director,



Cancer Institute(WIA), Adayar for treating Cancer patients" ; another sum of Rs.1,00,000/- may be given in favour of "The Commissioner, Greater Chennai Corporation for the purpose of improving and maintaining the Corporation Schools under the control of Greater Chennai Corporation, Rippon Building, Chennai".

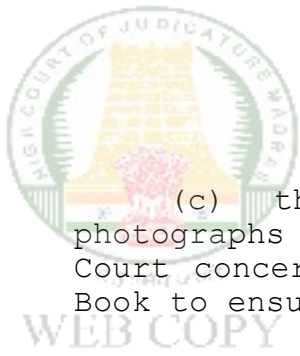
4. The learned Government Advocate (Crl.Side) opposed for granting of anticipatory bail by stating that the petitioner was illegally transporting Tobacco Products. He submits that this is the petitioner's 4th anticipatory bail application before this court and the petitioner's earlier three applications were dismissed. He further submits that the petitioner is having three previous cases.

5. In view of the the fact that the petitioner is having three previous cases and on his own volition is ready and willing to contribute a sum of Rs.2,00,000/- for the purpose of welfare activities, this Court is inclined to grant anticipatory bail to the petitioner..

6. 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 of receipt of a copy of this order, before the Judicial Magistrate, Thiruvottiyur 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) as undertaken by the petitioner on his own volition, the petitioner shall make a non refundable deposit of Rs.1,00,000/- through demand draft in favour of " The Director, Cancer Institute(WIA), Adayar for treating Cancer patients and further make a non-refundable deposit of Rs.1,00,000/- to the credit of The Commissioner, Greater Chennai Corporation for the purpose of rehabilitation and improvement of the basic needs of the Corporation Schools under the control of Greater Chennai Corporation, Rippon Building, Chennai under necessary acknowledgment. The above contribution is made without prejudice to his defence before the trial court and the petitioner shall submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner;



(c) 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;

(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.

(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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

18/08/2021

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,
THIRUVOTTIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ENNORE POLICE STATION.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DIRECTOR
CANCER INSTITUTE (WIA),
ADAYAR FOR TREATING CANCER PATIENTS.

6 THE COMMISSIONER,
GREATER CHENNAI CORPORATION
FOR THE PURPOSE OF IMPROVING
AND MAINTAINING
THE CORPORATION SCHOOLS UNDER
THE CONTROL OF GREATER CHENNAI CORPORATION,
RIPPON BUILDING, CHENNAI

+1 CC to M/S.M.GANESH BABU Advocate on payment of necessary
charges SR.No.8947

CRL OP.14392/2021

Date :18/08/2021

APN 03/09/2021