

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.8093 of 2021

KANAGALINGAM

[PETITIONER / ACCUSED]

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
PALLIKONDA POLICE STATION,
VELLORE DISTRICT.
CRIME NO.1169 OF 2020.

For Petitioner : M/S.S.SENGKODI Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Cr1.Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 7(5), 20(2) of Cigarette and other Tobacco Products Act 2003 read with 328 of IPC in Cr.No.1169 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused were found in possession of 3570 Kgss of banned tobacco products and the same was seized by the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. On instruction, he would further submit that without prejudice to his defence and contentions, the petitioner is ready to deposit Rs.2,00,000/- in favour of the District Medical Officer, Government Hospital, Vellore, without prejudice to his contention. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused persons were found in possession of 3570 Kgs. of banned tobacco products worth about Rs.25,76,000/- Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances and also submissions made by the learned counsel on either side, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) 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 learned Judicial Magistrate-V, Vellore, 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:

(b) 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 is directed to deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the District Medical Officer, Government Hospital, Vellore for the treatment of Covid-19 affected persons, without prejudice to his defense before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

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

-sd/-
29/04/2021

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 NO.V,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLIKONDA POLICE STATION,
VELLORE DISTRICT.

5 THE OFFICER INCHARGE,
DISTRICT MEDICAL OFFICER,
GOVERNMENT HOSPITAL,
VELLORE.

+1CC to M/S.S.SENGKODI Advocate on payment of necessary charges SR.NO.5727

CRL OP.8093/2021

MK:21/05/2021

Date :29/04/2021

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