

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2021

CORAM:

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

CrI.O.P.No.8425 of 2021

Paul Prakash Kumar

... Petitioner

Vs.

The State,
Rep. by Inspector of Police
Sathyamangalam Police Station,
Erode District.
(Crime No.261 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.261 of 2021 in the event of arrest on the file of the respondent Police Station.

For Petitioner : Mr. N. Chinnaraj

For Respondent : Mr.T. Shunmugarajeswaran
Government Advocate

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 279,328 of I.P.C r/w Section 7 and 21(1) of Cigarette and other Tobacco Products Act, 2003 and Section 52 and 59 of Food safety and Standards Act 2006 in Crime No.261 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons were found in possession of banned tobacco products worth Rs.8,96,400/- Hence, the complaint was registered.

3. The learned counsel 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. He further submits that without prejudice to his defence and contentions, the petitioner, on her own volition, is ready and willing to deposit Rs.1,00,000/- to the Medical Superintendent/Authorised Officer, Government Hospital, Erode District. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner along with other accused persons were found in possession of banned tobacco products worth Rs.8,96,400 /- . He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed grant of anticipatory bail to the petitioner.

5.Considering the facts that the petitioner, on his own volition is ready and willing to pay cost as may be ordered by this Court to any charitable institution, 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 learned Judicial Magistrate Sathyamangalam, 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)the petitioner shall to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) either through RTGS/NEFT/Cash/Demand Draft in favour of "The Medical Superintendent/Authorised Officer, Government Hospital, Erode District" for the purpose of treating COVID-19 patients and produce the proof of such payment to the Judicial Magistrate, Sathyamangalam

(b)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;

(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]; and;

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

-sd/-
12/05/2021

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,
SATHYAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SATHYAMANGALAM POLICE STATION,
ERODE DISTRICT

5 THE MEDICAL SUPERINTENDENT/AUTHORISED OFFICER,
GOVERNMENT HOSPITAL,
ERODE DISTRICT
FOR THE PURPOSE OF TREATING COVID-19 PATIENTS

+1CC to M/S.N.CHINNARAJ Advocate on payment of necessary charges SR NO.6073

CRL OP.8425/2021

Date :12/05/2021

MK:15/06/2021