

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.8421 of 2021

Uttam Singh

..Petitioner

-Vs-

The State Rep. by
The Inspector of Police,
Shevapet Police Station,
Salem City.
Crime No.1259 of 2020.

..Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioner on bail in the event of their arrest in connection with the Crime No.1259 of 2020 on the file of the respondent police.

For Petitioner : Mr.Mohammed Aasif

For Respondent : Mr.A.Gopinath
Government Advocate(Criminal Side)

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 77 of Juvenile Justice (Care and Protection of Children) Act 2015, 6 & 24(1) of Cigarette and other Tobacco Products Act 2003 in Cr.No.1259 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 910 Kgs 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.1,00,000/- in favour of the Dean, Government Medical College and Hospital, Salem, 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 person were found in possession of 910 Kgs. of banned tobacco products. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances and the fact that the petitioner has no previous case, this Court is inclined to grant anticipatory 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-III, Salem, 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.1,00,000/- (Rupees One lakh only) to the Dean, Government Medical College and Hospital, Salem 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/-

14/06/2021

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.III, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
SHEVAPET POLICE STATION,
SALEM CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEAN, GOVERNMENT
MEDICAL COLLEGE AND HOSPITAL,
SALEM

CC to M/S. MOHAMMED AASIF Advocate on payment of necessary charges

सत्यमेव जयते

WEB COPY

CRL OP.8421/2021

Date :14/06/2021

RVR 07/07/2021