

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.8478 of 2021

Senthil.S

... Petitioner

-vs-

State rep. by

The Inspector of Police,
Thakkolam Police Station,
Ranipet District.
Crime No.32 of 2021

... Respondent

Prayer: The Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on Anticipatory bail in event of the arrest connection with the case in Crime No.32 of 2021 on the file of the respondent police herein.

For Petitioner : Mr.Ali Hassan Khan

For Respondent : Mr.J.C.Durairaj, GA (Crl.Side)

O R D E R

The petitioner, who apprehends arrest for the alleged offences under Sections 273, 328 of IPC r/w Sec 7(5) and 20(2) of Cigarette and other Tobacco Products Act, in Crime No.32 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the false complaint has been lodged against the petitioner and he has not connected with the crime as alleged by the prosecution. Hence, he prays to grant of anticipatory bail to the petitioner.

3. The learned Government Advocate (Crl.Side) would submit that the petitioner was found in possession of 2.5 tons of Hans. He would further submit that there is no previous case pending against the petitioner.

4. This Court considered the submissions made by the learned counsel for all the parties concerned and on perusal of the FIR, it is found that the defacto complainant approached one Ramesh on 22.03.2021 at 7.00 a.m., and purchased Hans from him and consequently, he suffered health problems. Thereafter, he gave a complaint against one Ramesh to the respondent police. Hence, there

is no specific allegation against the petitioner and further, the petitioner has not supplied Hans to the defacto complainant or any other persons. Admittedly, the petitioner is not having any previous cases of this type. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

5.The Supreme Court has laid down the law regarding grant of anticipatory bail in the case of Gurbaksh Singh Vs. State (AIR 1980 SC 1632) and considering the fact that the custodial interrogation of the petitioner is not necessary and the fact that there is no apprehension that the petitioner may abscond, the petitioner is granted anticipatory bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Arakkonam, on condition that the petitioner shall execute own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and further condition that:

[a] the petitioner shall make himself available for interrogation by a police officer as and when required;

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[d] the petitioner shall appear before the Court below, whenever required.

[e] the petitioner shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.

[f] the petitioner shall not tamper with evidence or witness 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/05/2021

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,
ARAKKONAM

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
THAKKOLAM POLICE STATION,
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.ALI HASSAN KHAN Advocate on payment of necessary charges Sr.6272

CRL OP.8478/2021

Date :20/05/2021

RVR 03/06/2021

WEB COPY