

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9383 of 2021

C.Murugan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
T7 - Tank Factory Police Station,
Avadi,
Chennai.
(Crime No.466 of 2020)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to grant anticipatory bail to the petitioner in the event of arrest in connection with Crime No.466 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.L.P.Shanmugasundaram

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

ORDER

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Section 328 of IPC, 1860 and 24(1) of Cigarette and other Tobacco Products Acts, 2003 in Cr.No.466 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused are alleged to have been found in possession of 13 tonnes of tobacco products.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case. The learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.1 Lakh to the Commissioner, Chennai Corporation for improvement of Government Schools under the Corporation.

4.The learned counsel appearing for the petitioner further submitted that the satisfaction Court is learned Judicial Magistrate No.I, Ambattur, however inadvertently, in the petition is has been wrongly mentioned as learned Judicial Magistrate No.I, Poonamallee and prayed for appropriate orders.

5.The learned Government Advocate (Criminal Side) submitted that there are seven previous cases of similar nature as against the petitioner.

6.Considering the fact that the petitioner is ready to deposit a sum of Rs.1 Lakh to the Commissioner, Chennai Corporation, this Court is inclined to grant anticipatory bail to the petitioner.

7.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 No.I, Ambattur (on consideration of the request made by the learned counsel appearing for the petitioner), 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 make a non-refundable deposit of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of the Commissioner, Chennai Corporation for the rehabilitation and improvement of the basic needs of the Government Schools in the said Corporation under necessary acknowledgment, without prejudice to his defence before the trial court and 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.

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

(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/-

23/06/2021

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.I, AMBATTUR.

2 THE JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

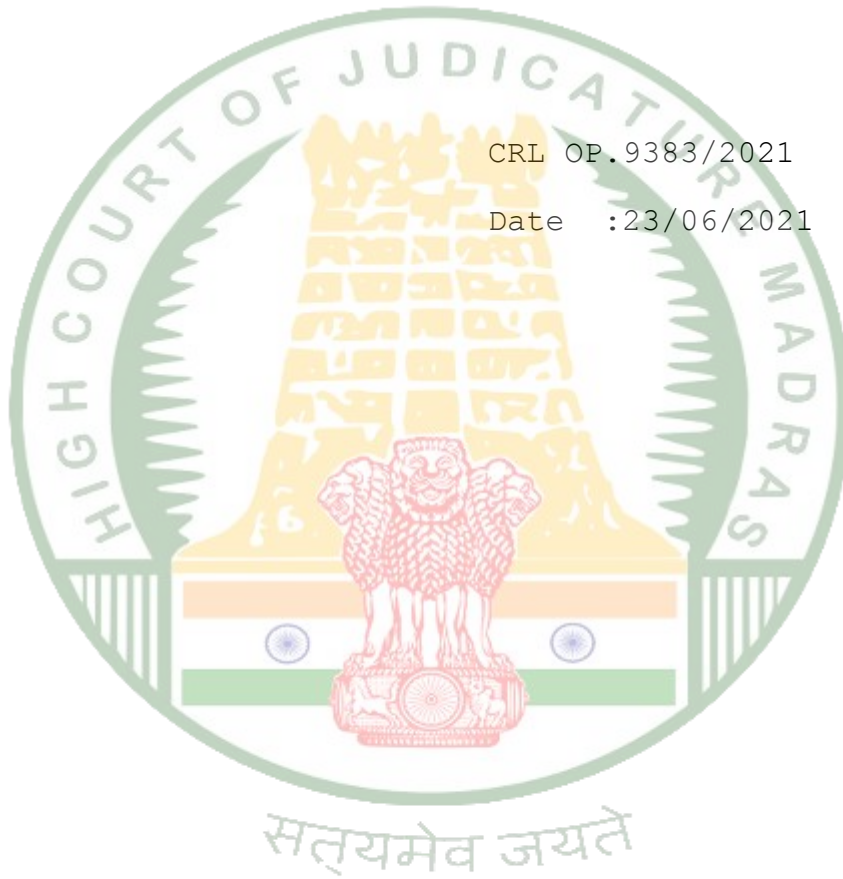
4 THE INSPECTOR OF POLICE,
T7-TANK FACTORY POLICE STATION,
AVADI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE COMMISSIONER,
CHENNAI CORPORATION FOR THE REHABILITATION
AND IMPROVEMENT OF THE BASIC NEEDS
OF THE GOVERNMENT SCHOOLS
IN THE SAID CORPORATION.

+1 CC to M/S.L.P.SHANMUGASUNDARAM Advocate on payment of necessary
charges SR.No.6725

cs 09/07/2021



CRL OP.9383/2021

Date :23/06/2021

WEB COPY