

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2021

CORAM

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

Crl.O.P.No.9531 of 2021

Dabhi Velji Bhai

... Petitioner

Vs.

The State,

Rep. by the Inspector of Police,
T-12, Poonamallee Police Station,
Chennai. Crime No.164 of 2019

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in Crime No.164 of 2019
pending investigation on the file of the Respondent.

For Petitioner : Mr.K.Bommuraj

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl.Side)

O R D E R

The petitioner/Accused, who apprehends arrest at the hands of
the respondent police for the offence punishable under Section 5, 6,
7, 20(2), 22(a), 24(1) COTPA Act r/w 328 IPC, in Crime No.164 of 2019
on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police
based on secret information intercepted two lorries bearing
Registration No.GJ-24-V-1933 and GJ-13-AW-2530 of Gujarat State. The
respondent police searched the vehicle and found the banned tobacco
products weighing 2,500 Kilograms valued at Rs.1,00,000/-. The
drivers of the respective lorries were arrested and remanded to
judicial custody. The present petitioner is the owner of the
vehicle.

3. The learned counsel appearing for the petitioner submitted
that this petitioner was not aware about the goods loaded in the
vehicle and this petitioner has been falsely implicated in this case.

4. The learned Government Advocate (Criminal Side) appearing for
the respondent submitted that this petitioner has been added as an
accused only on the ground that he is the owner of the vehicle. The
learned counsel further submitted that the drivers of the vehicles

have already been granted bail. The learned counsel for the petitioner also submitted that though the petitioner was granted anticipatory bail in CrI.O.P.No.5279 of 2019 on 01.03.2019, he could not comply with the conditions imposed, in view of the pandemic and the restrictions imposed.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate - II, Poonamallee within 15 days from the date of resumption of regular hearings in the said Court subject to the following conditions:

[a] 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, failing which, the petition for anticipatory bail shall stand dismissed;

[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 deposit a sum of Rs.1,00,000/- (Rupees one lakh only) in Crime No.164 of 2019 on the file of learned Judicial Magistrate II, Poonamallee within 15 days from the date of regular hearings in the said Court and the Court below is directed to entertain the bail bond only after the deposit of this amount;

[d] the petitioner shall report before the respondent police as and when required for interrogation;

[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];

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

6. Considering the present situation, the petitioner is granted 15 days time to execute the bond and furnish sureties from the date of commencement of regular functioning of the court below. In the event of violation of any of the conditions, the anticipatory bail granted will stand automatically cancelled.

-sd/-

01/06/2021

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.II, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
T-12, POONAMALLE POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.BOMMURAJ Advocate on payment of necessary charges

सत्यमेव जयते CRL OP.9531/2021

Date :01/06/2021

RVR 06/07/2021

WEB COPY