

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.10167 of 2021

1.Kumar
2.Ramesh

... Petitioners

Vs.

State Rep. By
The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
(Crime No.76 of 2021)

... Respondent

PRAYER: Criminal Original petitions have been filed under Sections 482 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.76 of 2021, on the file of the respondent.

For Petitioners : Mr.K.Thiruvengadam

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 273 and 328 IPC and section 7 and 20(1) of Cigarette and other Tobacco Acts, 2003 in Crime No.76 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that according to the defacto complainant, on raid, the police intercepted the Eicher vehicle driven by one Parthiban and found out Rs.6,60,000/- worth Tobacco products and on his confession, both the petitioners were implicated in this case. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that A1 and A2 were arrested and released on bail by the Court below. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are totally twelve accused in this case and the petitioners are A4 and A5. All the accused persons joined together and illegally transported 960 kgs., of Tobacco products worth about Rs.6,66,700/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, and also of the fact that A1 and A2 were granted bail by the Court below, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) each, to the credit of the Medical Officer, Krishnagiri Government Hospital, Krishnagiri District. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Denkanikottai, on condition that the petitioners shall execute a bond for

a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 and on further condition that:

[a] the petitioners 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the

petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

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Index :Yes/No
mpa

To

1.The Judicial Magistrate, Denkanikottai.

2. The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.

3.The Public Prosecutor, Madras High Court.

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S.KANNAMMAL.J,
mpa



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