

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10666 of 2021

1.Kathirvel G
2.Yuvaraj

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Karungalpalayam Police Station,
Erode District.
(Crime No.252 of 2021)

.... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail in the event of their arrest in Crime No.252 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 328 of IPC r/w Section 7, 20(2) of the Cigarettes and other Tobacco Products Act, 2003(COTPA) in Crime No.252 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the respondent police was on regular checkup they found that the petitioners were in possession of 62 packets of Hans, which are banned tobacco products worth about Rs.93,000/-. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. On instructions he would further submits that without prejudice to their defence and contentions, the petitioners are ready to deposit a sum of Rs.50,000/- in favour of "The Dean, Government Erode Medical

College Hospital, Perundurai, Erode" for treating Covid-19 patients. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) vehemently opposed to grant anticipatory bail by stating that the petitioners were in possession of banned tobacco products. Hence he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the submissions advanced on behalf of the petitioners and also the fact that the petitioners have willfully and on their own volition agreed to pay cost to any charitable institution as imposed by this Court, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Erode on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- each (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 petitioners shall to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) as non-refundable deposit either through RTGS/NEFT or in cash/demand draft in favour of "The Dean, Government Erode Medical College Hospital, Perundurai, Erode" for treating Covid-19 patients and produce proof of such payment of the above amount to the learned Judicial Magistrate No.I, Erode , at the time of release on bail;

(b) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

21/06/2021

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, ERODE

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KARUNGALPALAYAM POLICE STATION,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEAN, GOVERNMENT ERODE
MEDICAL COLLEGE HOSPITAL,
PERUNDURAI, ERODE.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

WEB COPY

CRL OP.10666/2021

Date :21/06/2021

RVR 12/07/2021