



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13124 of 2021

SANTHOSH

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ROYAKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.
CR.NO.171 OF 2021.

For Petitioner : M/S. A.BALAMURUGAN Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (CrI. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 273, 328 of IPC r/w sections 7 and 20(1) of Cigarette and other Tobacco Products Act 2003 in Crime No.171 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution in that when the respondent police was on regular checkup they found that the petitioner were in possession of 160 packets of Vimal Pan masala, 24 packets of RMD Pan Masala and 12 packets of M scented tobacco and 275 packets of V-1 Tobacco worth about Rs.40,770/- Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioner, on their own volition, are ready and willing to contribute a sum of Rs.25,000/- for any welfare activities as may be ordered by this Court.

4. The learned Government Advocate (CrI.Side) submitted that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.



5. In view of the the fact that the petitioner, on their own volition are ready and willing to contribute a sum of Rs.25,000/- for the purpose of welfare activities, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is 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, Denkanikottai on condition that each of the petitioner shall execute a separate bonds 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) as undertaken by the petitioner on their own volition, the petitioner shall make a non refundable deposit of Rs.25,000 /- through demand draft in favour of " The Director, Cancer Institute(WIA), Adayar for treating Cancer patients; The above contribution is made without prejudice to their defence before the trial court and the petitioner shall 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;

(c) 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;

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

(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]; and;



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

WEB COPY

-sd/-
29/07/2021

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,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ROYAKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE DIRECTOR,
CANCER INSTITUTE (WIA), ADYAR

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. A.BALAMURUGAN Advocate on payment of necessary charges SR.NO.8015

CRL OP.13124/2021

Date :29/07/2021

INBA 13/08/2021