



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

Thursday, the Second day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15810 of 2021

MUNUSAMY

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
H-1 , WASHERMENPET POLICE STATION,
OLD WASHERMENPET,
CHENNAI-600021.
(CRIME NO.2511 OF 2021)

[RESPONDENT]

For Petitioner : M/S G.KRISHNAMURTHY Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 353, 506(ii) of I.P.C and 7,9(ii) of Tamil Nadu Prohibition of smoking and Splitting Act 2003 in Crime No.2511 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police was on regular checkup they found that the petitioner was in possession of 200 Mava packets each containing 15 grams and 144 packets of Jaradha each containing 500 gms and Seval 18 kgs and Tiger lemon Yellow packet 2.5 grams. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the petitioner further submits that without prejudice to his defence and contentions, the petitioner on his own volition, is willing to contribute a sum of Rs.1,00,000/- for the purpose of improving and maintaining the Government Schools and willing to contribute another sum of Rs.1,00,000/- to the Cancer Institute (WIA), Regional Cancer Center, Adayar, Chennai -600 020. Hence he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) opposed for granting of anticipatory bail by stating that there was no previous cases pending against the petitioner. He further submits that the aforesaid contraband products were seized by the respondent police.

5. Considering the facts and circumstances of the case and the petitioner is ready and willing to contribute a sum of Rs.1,00,000/- for the purpose of improving and maintaining the Government Schools and willing to contribute another sum of Rs.1,00,000/- to the Cancer Institute (WIA), Regional Cancer Center), Adayar, Chennai -600 020.

6. 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 XV Metropolitan Magistrate George Town, Chennai 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) 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) the petitioner shall make a non refundable deposit of Rs.1,00,000/- for the purpose of improving and maintaining the Government Schools and another sum of Rs.1,00,000/- to the Cancer Institute (WIA), Regional Cancer Center), Adayar, Chennai -600 020.. The above contribution is made without prejudice to his 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 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/-

02/09/2021

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 XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE, H-1 ,
WASHERMENPET POLICE STATION,
OLD WASHERMENPET,
CHENNAI-600021,

4 THE CANCER INSTITUTE (WIA) ,
REGIONAL CANCER CENTER,
ADAYAR, CHENNAI-600 020.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S G.KRISHNAMURTHY Advocate on payment of necessary charges SR.NO.9452

CRL OP.15810/2021

Date :02/09/2021

CSK 23/09/2021