



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16059 of 2021

VIJAYAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REPBY
THE INSPECTOR OF POLICE,
F-5, CHOOLAIMEDU POLICE STATION,
CHENNAI DISTRICT
CRNO.648 of 2021

[RESPONDENT]

For Petitioner : M/S.P.BALAMURUGAN 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 case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 353, 506(i) of IPC and Section and 20(2) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.648 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the owner of the passenger sleeper coach omnibus bearing Regn.No.KA-51-AF-1443. The petitioner and others had indulged in illegal wholesale business i.e., for supplying various brands of banned tobacco products from Bangalore in turn of 20,222 packets by using his omnibus and the aforesaid contraband products were seized by the respondent police and they also seized the 33,060 packets at their godown at Chennai. Hence, the case was registered against the petitioner on the complaint made by the defacto complainant.



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 learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.2,00,000/- for any welfare activities as may be ordered by this Court. In fact, learned counsel for the petitioner submits that a sum of Rs.1,00,000/- be given to "The Director, Cancer Institute (WIA), Adayar for treating Cancer patients"; another sum of Rs.1,00,000/- may be given in favour of "The Commissioner, Greater Chennai Corporation for the purpose of improving and maintaining the Corporation Schools under the control of Greater Chennai Corporation, Rippon Building, Chennai".

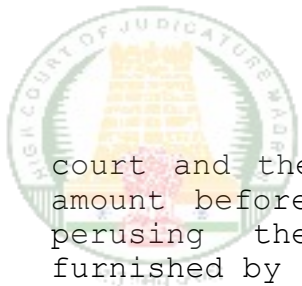
4. The learned Government Advocate (Crl.Side) opposed for granting of anticipatory bail by stating that the petitioner had illegally purchased various kinds tobacco products from Bangalore by using his omnibus and supplied the same in Chennai. He further submits that the aforesaid contraband products were seized by the respondent police.

5. In view of the fact that the petitioner on his own volition is ready and willing to contribute a sum of Rs.2,00,000/- 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the XXII Metropolitan Magistrate, 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) as undertaken by the petitioner on his own volition, the petitioner shall make a non refundable deposit of Rs.1,00,000/- through demand draft in favour of "The Director, Cancer Institute(WIA), Adayar for treating Cancer patients and further make a non-refundable deposit of Rs.1,00,000/- to the credit of The Commissioner, Greater Chennai Corporation for the purpose of rehabilitation and improvement of the basic needs of the Corporation Schools under the control of Greater Chennai Corporation, Rippon Building, Chennai under necessary acknowledgment. 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;

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(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., for a period of two weeks and thereafter as and when required;

(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/-
06/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XXII, CHENNAI.

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



3 THE INSPECTOR OF POLICE,
F-5, CHOLAIMEDU POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DIRECTOR,
CANCER INSTITUTE (WIA), ADAYAR.

6 THE COMMISSIONER,
GREATER CHENNAI CORPORATION,
RIPPON BUILDING, CHENNAI.

+1 CC to M/S.P.BALAMURUGAN Advocate on payment of necessary
charges SR.NO.9663

CRL OP.16059/2021

Date :06/09/2021

JPA 22/09/2021