

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.18768 of 2020

1. Suresh Kaveriappa
2. Mayilvel
3. Muniappan
4. Iyappan Ellappan
5. Gowrappan Sankar

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
(Crime No.617 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No. 617 of 2020 pending investigation on file of the respondent police.

For Petitioners : Mr.R. Thirumoorthy

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offence under Sections 273, 328 of IPC r/w 7 and 20 (1) of Cigarette and other Tobacco Products Acts 2003, in Crime No.617 of 2020, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused were found in possession of 3000 kgs of tobacco products. Hence, a case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that co-accused in this case have been granted bail by this Court vide CrI.O.P.Nos.17857, 17206, 16759 of 2020 by order dated 10.11.2020, 03.11.2020 and 04.11.2020 respectively. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioners along with other accused had illegally transported 3000 kgs. of banned tobacco products in a container lorry. He would further submits that co-accused have been arrested and released on bail.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6. Accordingly, the petitioners shall deposit a sum of Rs.10,000/- (Rupees ten Thousand only) as non-refundable deposit through RTGS/NEFT in favour of "'The Tamil Nadu Advocate Clerk Association, Indian Bank High Court Branch', A/C.No.484026006, IFSC Code. No.IDIB000M157, and on such deposit the petitioner is ordered to be released on anticipatory bail on his executing 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 learned Judicial Magistrate, Denkanikottai, and on further conditions that :-

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

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

[d] the petitioner 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 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].

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
06/01/2021

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 [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
INDIAN BANK HIGH COURT BRANCH,
A/C.NO.484026006, IFSC CODE. NO.IDIB000M157,

CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.18768/2020

Date :06/01/2021

MK:01/02/2021

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