



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

Monday, the Fourth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18444 of 2021

KUNNATH ANOOP

[PETITIONER / ACCUSED]

Vs

STATE OF TAMILNADU REP BY
THE INSPECTOR OF POLICE,
RED HILLS POLICE STATION,
RED HILLS,
TIRUVALLUR DISTRICT.
CR.NO.1508/2021

[RESPONDENT / COMPLAINANT]

For Petitioner : M/S.N.KARUNAGARAN Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

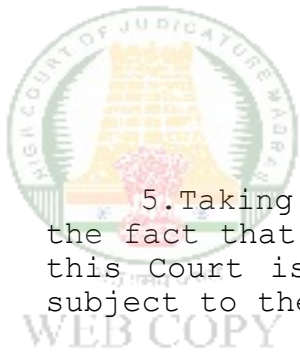
ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Section 24(1) of COTP Act and Section 328 of IPC in Cr.No.1508 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of contraband (Tobacco) of worth about Rs.1,40,000/- and the same was seized by the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. On instruction, he further submits that without prejudice to his rights, on his own volition, is ready to deposit Rs.25,000/- for the purpose of improving and maintaining the Government Schools.

4. The learned Government Advocate appearing for the respondent submitted that the petitioner along with other accused persons were found in possession of contraband of worth Rs.1,40,000 /- and sold a part of contraband after mixing it with some toxic elements. Hence, he opposed for grant of anticipatory bail to the petitioner.



5. Taking into consideration of the facts and circumstances and the fact that the petitioner has no previous case pending against him, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 Judicial Magistrate No.II, Ponneri, 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:

(b) 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 is directed to deposit a sum of Rs.25,000 /- (Rupees Twenty Five Thousand only) to the credit of the Chief Educational Officer, Tiruvallur District for the treatment of Covid-19 affected persons, without prejudice to his defense before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(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.



7. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred for the improvement/rehabilitation of the Schools in the District before the Director of School Education as and when such works are completed by utilizing the money as ordered by this Court.

-sd/-
04/10/2021

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.II,
PONNERI.

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

3 THE INSPECTOR OF POLICE,
RED HILLS POLICE STATION,
RED HILLS, TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATIONAL OFFICER,
THIRUVALLUR DISTRICT.

+1 CC to M/S.N.KARUNAGARAN Advocate on payment of necessary charges SR.NO.11006

CRL OP.18444/2021

Date :04/10/2021

INBA-18/10/2021