

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.19825 of 2020

L.Karuppaiah

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thiruppur South Police Station,
Thiruppur City.
(Crime No.1675 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.1675 of 2020 on file of the respondent police.

For petitioner : Mr.C.Mayilvahana Rajendran

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Sections 328 of IPC and Section 22 (a) of Cigarette and other Tobacco Products Acts 2003, in Crime No.1675 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 01.12.2020, the defacto complainant purchased Hans Tobacco for Rs.30 at Jai Maruthi Traders. It is alleged that on the same day he consumed the Hans and suddenly, he got giddiness and vomiting. Hence, he complained the owner of the shop viz., the 1st accused that he had sold the expired date Hans, for which, the 1st accused scolded the defacto complainant. Hence, a case was registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that co-accused has already been released on bail. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) would vehemently opposed stating that the petitioner along with other accused had illegally transported banned tobacco products in a container lorry. He would further submit that co-accused has already 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 petitioner with certain conditions:

6. Accordingly, the petitioner shall deposit a sum of Rs.10,000/- (Rupees Fifty 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, No.II, Thiruppur, 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/-
07/01/2021

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,
NO.II, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUPPUR SOUTH POLICE STATION,
THIRUPPUR CITY.

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

CC to M/S.C.MAYILVAHANA RAJENDRAN Advocate on payment of
necessary charges

CRL OP.19825/2020

Date :07/01/2021

cs 01/02/2021