

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20145 of 2020

Mohammed Nasrudeen

... Petitioner/Accused

-Vs-

State represented by

The Inspector of Police,

H1, Washermanpet Police Station,

Chennai.

(Crime No.5150 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail, in event of his arrest, pending investigation in Crime No.5150 of 2020 on the file of Inspector of Police, H1, Washermanpet Police Station, Chennai.

For Petitioner : Mr.A.Venkatesan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 353, 506(i) of IPC r/w Section 7 & 9 (ii) of TN Prohibition of Smoking and Spitting Act 2003, in Crime No.5150 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is in possession of 60 packets of Hans. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is illegally found in possession of 60 packets of Hans. He would further submit that there are no previous cases pending as against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and the petitioner had no bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

[a] the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on further condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties for a like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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 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 is 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].

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

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

-sd/-
05/01/2021

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 METROPOLITAN MAGISTRATE NO.15,
GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
H1, WASHERMENPET POLICE STATION,
CHENNAI.

+1CC to M/S A.VENKATESAN Advocate on payment of necessary charges SR NO.90

CRL OP.20145/2020

Date :05/01/2021

MK:19/01/2021