

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.20807 of 2020

Rataram

... Petitioner/Accused No.2

Vs.

The State Rep. by

The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.
(Crime No.1575 of 2020)

... Respondent/Complainant

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.1575 of 2020 on file of the respondent police.

For petitioner : Mr.N.Senthil Kumar

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 Section 353 of IPC r/w Section 24 (1) of Cigarette and other Tobacco Products Acts 2003, in Crime No.1575 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 17.12.2020, when the respondent police conducted a vehicle check up at L.Endathur Koot Road, the petitioner/A2 along with his brother/A1 were in illegal possession of banned tobacco products viz. (i) 50 small box containing 2250 pieces weighing 345 kgs (ii) Vimal Pan Masala 481 packets weighing 57.720 kgs, (iii) VI Tobacco 500 packets weighing 10 kg (iv) Cool Lip 323 packets weighing 51.680 kg (v) Remo 75 packets (vi) MDM 5 packets, totally he was in possession of 11.400 grams and the same was seized by the respondent police. 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. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would vehemently oppose stating that the petitioner along with his brother had illegally transported banned tobacco products in a TATA Ace vehicle worth Rs.5,00,000/-, which was seized by the respondent police. He would submit that A1 in this case detained under Goondas Act. He would submit that based on the confession of A1, he has been implicated in this case. He would further submit that there are no previous cases pending against the petitioner.

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.25,000/- (Rupees Twenty Five 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 District Munsiff cum Judicial Magistrate, Uthiramerur, 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/-
11/01/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
UTHIRAMERUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION,
KANCHEEPURAM 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. N.SENTHIL KUMAR Advocate on payment of necessary charges

CRL OP.20807/2020

MK:01/02/2021

Date :11/01/2021

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