



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21589 of 2021

H.Kauleashwar Mahli

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
Pallikonda Police Station,
Vellore District.
Crime No.344 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.344 of 2021 on the file of the respondent.

For Petitioner : Mr.M.Ravikumar

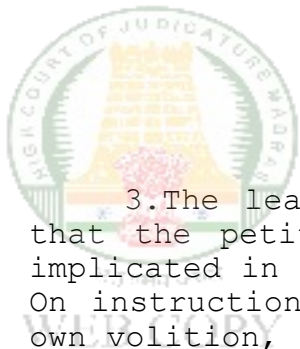
For Respondent : Mr.N.S.Suganthan

Government Advocate (Cr1.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 7(5), 20(2) of COTP Act 2003 r/w 328 of IPC in Crime No.344 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 was found in possession of 453.940 kgs of tobacco (Hans and Gutkha) products, worth of Rs.2,77,720/-. Hence, a case was registered against the petitioner.



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 based on the confession statement given by A1. On instructions, he would further submit that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.20,000/- to the Tamil Nadu Advocate Clerk Association, Chennai. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is the owner of the vehicle and A1 was arrested and remanded to judicial custody. He further submitted that there is no previous case pending against the petitioner and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the submission made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-V, Vellore, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner shall make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Tamil Nadu Advocate Clerk Association, Chennai, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

[b] 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.

[c] the petitioner is directed to report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.



[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
18/11/2021

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.V, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMAIION].

3 THE INSPECTOR OF POLICE,
PALLIKONDA POLICE STATION,
VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE TAMIL NADU ADVOCATE
CLERK ASSOCIATION, CHENNAI.

WEB COPY

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

CRL OP.21589/2021

Date :18/11/2021

JPA 24/11/2021