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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

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

Crl.O.P.No.21958 of 2021

Faizal @ Ariff Fazal Rahman

.. Petitioner

Vs.

State Rep.by
Inspector of Police,
N-3 Muthialpet Police Station,
Chennai
(Crime No.973 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., prayed to enlarge the petitioner on bail in the event of his arrest in Crime No.973 of 2021 on the file of the Inspector of Police, N-3 Muthialpet Police Station, Chennai

For Petitioner : Mr.I.MD.Arif

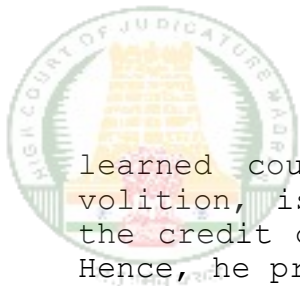
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 24 (1) of the Cigarettes and Other Tobacco Products Act r/w Section 77 of Juvenile Justice Act in Crime No.973 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with others were found in illegal possession of various types of banned tobacco products and sold the same near School Premises and based on the confession of one of the accused persons, various types banned tobacco were seized from the accused room and also recovered a cash Rs.3,165/-. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that the co-accused were already enlarged on bail. However, on instructions, the



learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.5,000/- to the credit of the Registered Advocates Clerks Association, Sivaganga. Hence, he prays to grant anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.side) appearing for the respondent opposed for granting of anticipatory bail to the petitioner by stating that the petitioner along with others had illegally sold the banned tobacco product near the school premises.,

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.5,000/- for charitable purpose, 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 XVI Metropolitan Magistrate Court, George Town, Chennai, 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 is directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the the Registered Advocates Clerks Association, Sivaganga, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

[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 on every Friday at 10.30 a.m., for a period of four weeks and thereafter as and 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 has 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/-
22/11/2021

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 XVI METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI

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

3 THE INSPECTOR OF POLICE,
N-3 MUTHIALPET POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE CLERKS ASSOCIATIONS,
SIVAGANGA.

+1 CC to M/S.I.MD.ARIF Advocate on payment of necessary charges
SR.No.13166

CRL OP.21958/2021

Date :22/11/2021

TA-06/12/2021