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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

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

Cr1.O.P.No.22351 of 2021

Michal Johnson

... petitioner

Vs.

STATE: rep. by
The Inspector of Police
F-4, Kavarapettai Police Station,
Thiruvallur.
(Crime No.394 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.394 of 2021 on the file of the respondent police.

For petitioner : Mr.M.Soundar Vijay Arul Ram

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences under Section 294(b), 353, 506(i) of IPC r/w 24(1) of COTPA Act, in Crime No.394 of 2021, on the file of the respondent police, seeks bail.

2.Heard both sides.

3.The case of the prosecution is that on 21.09.2021, near Gummidipoondi, the petitioner was found in illegal possession of 138 bundles of banned tobacco products, worth about Rs.15,000/-. Hence, the complaint.

4. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence and a false complaint has been lodged against the petitioner and hence, prayed for grant of anticipatory bail.



5. The learned Government Advocate raised objection stating that the petitioner was found in illegal possession of 138 bundles of banned tobacco products, worth about Rs.15,000/- and investigation is almost completed.

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6. Taking into consideration the nature of allegation and also that there is no specific overt act against the petitioner and investigation is almost completed, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Gummidipoondi, 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 said Magistrate, on further condition that:

[a] the petitioner shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the Legal Services Authority, Chennai, without prejudice to his defence before the trial Court and the learned District Munsif cum Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

[b] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[c] the petitioner shall report before the respondent police every Wednesday 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

26/11/2021

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,
GUMMIDIPOONDI, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
F-4, KAVARAPETTAI POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE MEMBER OF SECRETARY,
THE TAMIL NADU LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS.

+1CC to M/S.M.SOUNDAR VIJAY ARUL RAM Advocate on payment of
necessary charges SR.NO.13734

CRL OP.22351/2021

Date :26/11/2021

CSK 03/12/2021