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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22771 of 2021

S.Johnson @ Micheal Johnson

...Petitioner

Versus

The State Rep by its
The Inspector of Police,
Kavarapettai Police Station,
Tiruvallur District.
(Crime No.394 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.394 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.T.Ravi

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 353 and 506(1) of IPC r/w 24(1) of Cigarette and other Tobacco products Act, 2003, in Crime No.394 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner's driver (A1) had abused the police in filthy language and later found that the first accused was found in illegal possession of 5380 packets of banned tobacco products. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that petitioner is the owner of the vehicle, without the knowledge of the petitioner, driver of the petitioner had taken the vehicle and transported the banned tobacco products. However, on instructions,



the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.20,000/- to any charitable trust. Hence, he prays for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused persons were found in illegal possession of 5380 packets of banned tobacco products. He further submitted that A1 arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering 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 District Munsif cum Judicial Magistrate, Gummidipundi, 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.20,000/- (Rupees Twenty Thousand only) to the credit of Sevalaya, No.F - 2, Pushkarani Apartments, 12 Ananda Road, Alwarpet, Chennai - 600 018.

Account Name : Sevalaya
Account No. : 218601000134
Bank : ICICI Bank
Branch : Mylapore, Chennai - 6000 004
IFSC Code : ICIC0002186
Cell : 9941450444

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 appear before respondent police daily at 10.30 a.m., until further orders. .

[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/-

30/11/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUMIDIPUNDI,
TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KAVARAPETTAI POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 Sevalaya, No.F - 2, Pushkarani Apartments,
12 Ananda Road, Alwarpet, Chennai - 600 018.
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IFSC Code : ICIC0002186, Cell : 9941450444

+1 CC to M/S.T.RAVI Advocate on payment of necessary charges
SR.NO.13907

CRL OP.22771/2021

Date :30/11/2021

RW 06/12/2021