



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

CrI.O.P.No.24149 of 2021

WEB COPY

V.Manohar Singh

.. Petitioner

Vs.

The State represented by
Th Inspector of Police,
B-2, Shevapet Police Station,
Salem, Salem District.
Crime No.306 of 2021

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.306 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Arunkumar

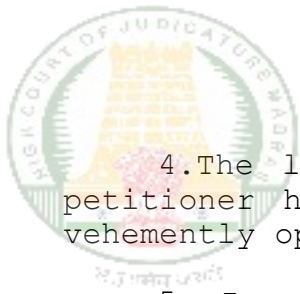
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 273, 328, 511 IPC, Sections 57, 59 of Food Safety and Standards Act 2006, Section 77 of the Juvenile Justice (Care and Protection of Children) Act 2015 and Section 6 and 24(1) of the Cigarette and other Tobacco Products Act, 2003 in Crime No.306 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 were found in illegal possession of banned tobacco product worth about Rs.3 lakhs. Based on the confession statement given by A1, the present petitioner was implicated in this case. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner was an innocent person and has been falsely implicated in this case. He further submits that the petitioner has having five sons and they have been suffering due to the arrest made by the respondent police. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl side) submits that the petitioner has three previous cases in similar nature. Hence, he vehemently opposed for the grant of anticipatory bail.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.1,00,000/- (Rupees One Lakh Only), to the credit of the Government Leprosy Rehabilitation Home, Paranur, Chengalpet without prejudice to his rights and contentions and the said amount shall be utilized for improving the infrastructure facilities of the said home within 4 weeks and submit report before District Collector of Chengalpet.

6. It is made clear that the deposit of the amount by the petitioner to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of anticipatory bail.

7. Considering the facts and circumstances of the case and also the fact that there is three previous cases as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on their executing separate bonds 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 Judicial Magistrate No.3, Salem, and on further condition that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) through demand draft to the to the credit of the Government Leprosy Rehabilitation Home, Paranur, Chengalpet and the said amount shall be utilized for improving the infrastructure facilities of the said home and submit the report to the Chengalpet District Collector without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) 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 shall report before the 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

13/12/2021

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.III,SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
B2-SHEVAPET POLICE STATION,
SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 GOVERNMENT LEPROSY
REHABILITATION HOME,
PARANUR, CHENGALPET

+2 CC to M/S. C.ARUNKUMAR Advocate on payment of necessary charges Sr.14652

CRL OP.24149/2021

Date :13/12/2021

RVR 16/12/2021