



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.24058 of 2021

Tajdheen

... Petitioner

Versus

The State Rep by
The Inspector of Police,
Moolanur Police Station,
Tiruppur District.
(Crime No.640 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.640 of 2021 pending investigation on the file of the respondent police.

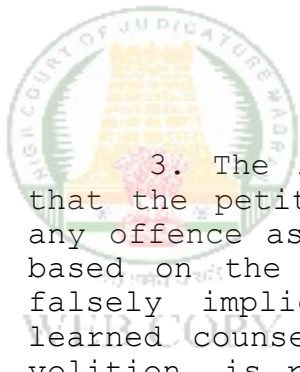
For Petitioner : Mr.P.Kalimuthu

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 IPC r/w 7(1), 20(2), COTPA Act 2003, in Crime No.640 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused was found in illegal possession of banned tobacco products. Further, the first accused had already been arrested and remanded to judicial custody. Based on the confession of the first accused, the petitioner was implicated in this case.



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 based on the confession of the first accused, the petitioner was falsely implicated in this case. 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.10,000/- to the credit of the Registered Advocate Clerk Association, Dharapuram. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is no previous cases pending against the petitioner and the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, 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, Dharapuram, 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.10,000/- (Rupees Ten Thousand only) to the credit of the Registered Advocate Clerk Association, Dharapuram, 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 the respondent on every Tuesday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



5 THE REGISTERED ADVOCATE,
CLERK ASSOCIATION, DHARAPURAM.

+1 CC to Mr.P.Kalimuthu Advocate on payment of necessary charges
SR.NO.14635

CRL OP.24058/2021

Date :13/12/2021

JPA 22/12/2021