



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

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

Cr1.O.P.No.25018 of 2021

Karthik

.. Petitioner

Vs.

State: rep.by Inspector of Police,
Sungavarchatram Police Station,
Kancheepuram District.
(Crime No.721 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.721 of 2021 on the file of the Inspector of Police, Sungavarchatram Police Station, Kancheepuram District.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1.Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 353, 506(i) IPC and Section 24(1) of the Cigarette and Other Tobacco Products Act, 2003, in Crime No.721 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police were on regular checkup, on suspicion, stopped a car, the driver of the car/petitioner/A3 stopped the vehicle and escaped from the spot. It is further alleged that A1 and A2 scolded the police in filthy words, threatened them, prevented them to search vehicles, later, the respondent police has arrested A1 and A2 and A1 confessed that his brother has purchased the prohibited tobacco products from Bangalore and instructed him, A2 and A3/petitioner to transport and supply tobacco products in Chennai for sale and on searching, they found that the petitioner along with others were involved in illegal transportation of various types of banned tobacco products worth about Rs.5,54,120/- and seized the vehicle and banned tobacco products. 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. 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.10,000/- to any Charitable purpose as may be directed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that petitioner along with others were involved in illegal transportation of various types of banned tobacco products worth about Rs.5,54,120/-. He further submits that A1 and A2 were arrested and remanded to judicial custody and the petitioner/A3/driver of the vehicle was absconding. He further submits that the investigation is yet to be completed.

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.10,000/- 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 Judicial Magistrate, Sriperumpudur, 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 Registered Advocates Clerks Association, Kanchipuram, 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 shall report before the respondent police on every day 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 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/-

21/12/2021

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,
SRIPERUMPUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
SUNGUVARCHATRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, KANCHIPURAM

CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges
Sr.15277

CRL OP.25018/2021

Date :21/12/2021

RVR 03/01/2022