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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Cr1.O.P.No.25631 of 2021

Rajesh Kumar

...Petitioner

Vs.

State, rep. by
The Inspector of Police
B-1. North Beach Police Station
Chennai.
(Crime No.1481 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been 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.1481 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Thamaraiselvan

For Respondent : Mr.A. Gokulakrishnan
(Additional Public Prosecutor)

O R D E R

The petitioner who apprehends arrest for the alleged offences under Sections 353, 506(i) of I.P.C. and 24(1) of Cigarette and Other Tobacco Products Acts 2003, in Crime No.1481 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 26.11.2021, when the respondent police officials were on regular patrol duty, the tobacco weighing 4000 Kgs was found in the goods vehicle bearing Registration No.TN.12 AL 7171, driven by the Accused No.1. When it was enquired by the officer concerned and the respondent police, the petitioner herein who is working as Manager of AVG Logistics Ltd. has prevented the defacto complainant from doing his duty and threatened them from doing vehicle check up. Hence this Complaint.



3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. When the petitioner was informed regarding the detention of the aforesaid goods vehicle, he has rushed to the spots and showed the documents to the officer concerned as the goods seized by the defacto complainant is the genuine transactions and the same are sent from Delhi to Bangalore via Chennai after paying proper GST through E-way Bill dated 22.09.2021 and tax invoice dated 22.09.2021. The petitioner has not threatened the defacto complainant and being an employee of AVG Logistic Ltd., the petitioner has explained about the nature of transactions and showed the transactions to that effect. Further he submits that the driver of the Goods vehicle who is arrayed A1 has been arrested and released on bail by this Hon'ble Court in Crl. O.P. No.20571 of 2021 on 01.11.2021. However, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.1,50,000/- to the credit of the Legal Service Authority, Chennai as may be directed by this Court and he would pray for grant of bail to the petitioner.

4.The learned Government Advocate raised objection stating that the petitioner has prevented the defacto complainant from doing their duty and he has threatened the defacto complainant from checking the vehicle while the banned tobacco products were found in the said goods vehicles. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and submissions made by the learned counsel on either side co-accused released on bail, 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 Metropolitan Magistrate-VII, George Town, Chennai, 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.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of the Legal Service Authority, Chennai, 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 report before the respondent police on every Sunday 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/-

23/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.VII, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
B-1, NORTH BEACH POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



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

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+1 CC to M/S.R.THAMARAISELVAN Advocate on payment of necessary
charges SR.NO.15597

CRL OP.25631/2021

Date :23/12/2021

RW 04/01/2022