



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25583 of 2021

S.Kamaldeen

... Petitioner

Versus

State by Inspector of Police,
Komaralingam Police Station,
Thiruppur District.
(Crime No.506 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.506 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.N.Balakrishnan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 328 of IPC and 6(b), 24(1) of Cigarette and Other Tobacco Products Act 2003, in Crime No.506 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 was arrested and remanded to judicial custody. Based on the confession of co-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. 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.5,000/- to the Registered Advocate Clerks Association, Pollachi. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending against the petitioner and the investigation is almost completed. However, he vehemently opposed for grant of 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 within a period of fifteen days from the date of receipt of copy of this order, before the learned District Munsif cum Judicial Magistrate, Madathukkulam, Thiruppur District, 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.5,000/- (Rupees Five Thousand only) to the credit of the Registered Advocate Clerk Association, Pollachi, 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 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/-

23/12/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADATHUKKULAM,
THIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUPPUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KOMARALINGAM POLICE STATION,
THIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE,
CLERK ASSOCIATION, POLLACHI.

+1 CC to M/S M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.NO.15515

CRL OP.25583/2021

Date :23/12/2021

JPA 03/01/2022