



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

WEB COPY

CORAM:

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

Cr1.O.P.No.346 of 2022

Meenakumar

.. Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Natrampalli PS,
Thirupathur District.
Crime No.2 of 2022

...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 by the respondent police in Crime No.2 of 2022 on the file of the respondent police.

For Petitioner : Mr.K.Kannan for
Mr.A.Anandharaj

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 7(5), 20(2) of COTP Act r/w 328 of IPC in Crime No.2 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 01.01.2022, the respondent police has conducted regular rounds and found tobacco products dumped in one Ashok Leyland dost vehicle. It was illegally transported in the said vehicle. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is not the owner of the vehicle at the time of the alleged occurrence and has sold the said vehicle before three months to one Parameshwara Rao. However, on



instructions, the learned counsel would further submit 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 and he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that as per the RC Book, the petitioner is the owner of the vehicle as on date. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also the fact that the petitioner has wilfully 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, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate - III, Thirupathur, 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 and on further conditions that:

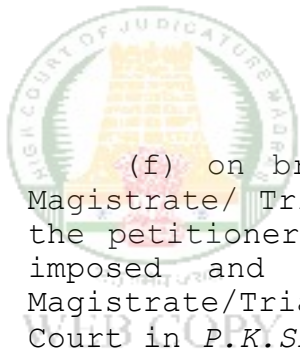
(a) The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the Registered Advocate Clerk's Association, Kanchipuram District, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and 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 Court concerned 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 Wednesday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for an interrogation;

(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/-

12/01/2022

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-III,
THIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NATRAMPALLI POLICE STATION,
TIRUPATHUR DISTRICT.

4 THE REGISTERED
ADVOCATE CLERK ASSOCIATION,
KANCHIPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. A.ANANDHARAJ Advocate on payment of necessary charges SR.No.883

CRL OP.346/2022

Date :12/01/2022

CSK 21/01/2022