



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2525 of 2022

Ramu

... Petitioner

Versus

State Rep by
The Inspector of Police,
Reddichavadi Police Station,
Cuddalore.
(Crime No.382 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.382 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.s.Muthaiah

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

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 353, 285, 506(II), 307 of IPC and Section 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.382 of 2021 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that based on a secret information, the police officials went to the petitioner's shop and seized the banned tobacco products possessed in his shop. For which, the petitioner abused and attempted to attack the police officials. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits 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.10,000/- to



the credit of Vadalur Sathya Dharma Salai, Thiruarutprakasa Vallalar Dheiva Nilayam, Vadalur - 607303, Cuddalore District. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that the petitioner was in illegal possession of banned tobacco products and when the police officials tried to seize the same, he attempted to attack them and also threatened by pouring kerosene over the police officials. He further submitted that there are three previous cases pending against the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate, 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 No.1, Cuddalore 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 Vadalur Sathya Dharma Salai, Thiruarutprakasa Vallalar Dheiva Nilayam, Vadalur - 607303, Cuddalore District, A/c. Name: Vallalar Deiva Nilayam, Vadalur, A/c. No.028101000000232, Indian Overseas Bank, Vadalur Branch, Branch Code-0281, IFSC Code-IOBA0000281 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 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. for a period of three months and thereafter as and when required for 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.

WEB COPY [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/-
04/02/2022

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,
NO.I, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
REDDICHAVADI POLICE STATION,
CUDDALORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 VADALUR SATHYA DHARMA SALAI,
THIRUARUTPRAKASA VALLALAR DHEIVA NILAYAM,
VADALUR - 607303, CUDDALORE DISTRICT,
A/C. NAME: VALLALAR DEIVA NILAYAM,
VADALUR, A/C. NO.028101000000232,
INDIAN OVERSEAS BANK, VADALUR BRANCH,
BRANCH CODE-0281, IFSC CODE-IOBA0000281

+1 CC to M/S S. MUTHAIAH Advocate on payment of necessary charges
SR.NO.1940

CRL OP.2525/2022

Date :04/02/2022

JPA 09/02/2022