



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.168 of 2022

BB.Kanakaraju

... Petitioner

Versus

The Inspector of Police,
Thiruchengodu Rural Police Station,
Namakkal District.
(Crime No.549 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 arrest on connection in Crime No.549 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Ganesan

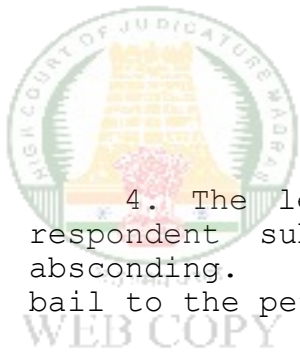
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 120(b), 273, 328 of IPC r/w 24(1) of Cigarette and other Tobacco Products Act 2003 in Crime No.549 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 09.12.2021 the petitioner is selling Pan Masala and Gutka in Karnataka State, which permissible under the Karnataka State Government. He is running the said business and paying GST to the Government with GST & Registration Certificate. He did not involve in any offence against the state. On accused confession statement to the respondent police the A1 stated that he purchased the Pan Masala and Gutka from the petitioner. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that A1 to A5 arrested and A6, A7 still absconding. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed 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 at Thiruchengodu*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (one blood surety), 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 sureties shall affix their photographs and left thumb impression in the surety (one blood surety) bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
07/01/2022

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,
THIRUCHENGODU, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TIRUCHENGODU RURAL POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.MANIGOPI Advocate on payment of necessary charges
SR.No.340

CRL OP.168/2022

Date :07/01/2022

CSK 12/01/2022