



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No.735 of 2022

S.Sivaraj

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Avinashi Police Station
Tiruppur District
(Crime No.1172 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C., praying to grant Anticipatory Bail to the petitioner in the event of his arrest in Crime No.1172 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/s.V.Ramanareddy

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offences under Sections 273 and 328 of IPC, 1860 (IPC) and Section 7(1) and 20 (2) of the Cigarette and other Tobacco Products Act, 2003 (COTPA).

2.The case of the prosecution is that, the banned tobacco products were found to be in possession with the petitioner and others in 12 white sack bags near Golden Maharaj Bakery. The respondent police seized all the aforesaid banned products. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that there are no previous cases pending as against the petitioner. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing



to contribute a sum of Rs.30,000/- to any Charitable Purpose as may be directed by this Court and he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for granting anticipatory bail to the petitioner by stating that the petitioner along with other accused were in illegal possession of 200 kgs of banned tobacco products. He further submits that he is having one previous case.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.30,000/- 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, Avinasi, Tiruppur 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.30,000/- (Rupees Thirty thousand only) to the United Home for Adult Mentally ill, No.96A Sathy Main Road, Kurumbalayam, (via., S.S.Kulam) Coimbatore District, Contact No.0422-2667424, 2667636, 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 daily 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;

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[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 has been imposed and the petitioner is 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,
AVINASI, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE UNITED HOME FOR ADULT MENTALLY ILL,
NO.96A SATHY MAIN ROAD, KURUMBALAYAM, (VIA.,
S.S.KULAM) COIMBATORE DISTRICT,
CONTACT NO.0422-2667424, 2667636

CC to M/S.V.RAMANAREDDY Advocate on payment of necessary charges

CRL OP.735/2022

Date :12/01/2022

JPA 24/01/2022