



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1633 of 2022

Suja Ram

... Petitioner

Versus

The State represented by
The Inspector of Police,
Arcot Town Police Station.
(Crime No.698 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of arrest on connection with Crime No.698 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Balaji

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 279, 336 of IPC r/w 7(5), 20(2) Cigarette and Other Tobacco Products Act 2003 in Crime No.698 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had lodged the false complaint before respondent police occurrence date 31.12.2021 the petitioner illegal Transporting 15 Bundles Kutka in the Car, at the time the Sub Inspector of Police searching and see the Kutka and lodged a complaint before the Inspector of Police, Arcot Town Police Station. 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 the petitioner was illegally transported 15 Bandles Kutka without permission. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.50,000/- (Rupees Fifty Thousand Only), to the credit of the Ramakrishna Mutt, Mylapore for Rehabilitation of Leprosy People without prejudice to his rights and contentions.

6. It is made clear that the deposit of the amount by the petitioner to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of anticipatory bail.

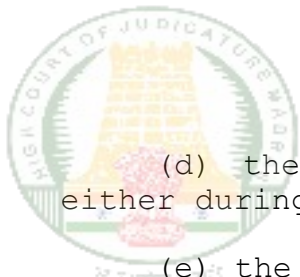
7. Considering the period of incarceration undergone by the petitioner and also the fact that there is no previous cases as against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their 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, Arcot, Ranipet District, on condition that the petitioners 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 shall make non-refundable deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) through demand draft to the to the credit of the Sri Ramakrishna Mutt, Mylapore, Chennai for Leprosy Rehabilitation and submit the report to the Chennai District Collector without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) 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 shall 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]; and;

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

-sd/-

27/01/2022

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,
ARCOT, RANIPET DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SRI RAMAKRISHNA MUTT,
MYLAPORE, CHENNAI FOR LEPROSY
REHABILITATION.

CC to M/S. D.BALAJI Advocate on payment of necessary charges

CRL OP.1633/2022

Date :27/01/2022

RW 07/02/2022