



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

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

Crl.O.P.No.3247 of 2022

V.Saravana kumar

...Petitioner

Vs.

The State Represented by  
The Inspector of Police,  
Saibaba Colony Police Station,  
Coimbatore District.  
(Crime No.750 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.750 of 2021, on the file of the respondent Police.

For Petitioner : M/s. Nathan and Associates

For Respondent : Mr.L.Baskaran  
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 273, 328 of IPC r/w Section 7(1) of Cigarette and other Tobacco Products Act 2003, in Crime No.750 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 02.12.2021, the respondent police was on regular patrol duty, found four persons transferred the white bags from Mahindra Mini Truck bearing registration No.TN 38 CL 3304 Activa Two wheeler, and on seeing the respondent, they were tried to run away from that place, among the four, the respondent police caught the three persons and one person escaped from that place, further the respondent police searched the white bag and they found 185 kgs of banned tobacco products, which is worth about of Rs.2,00,000/-. 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 submits that the petitioner, on his own volition, he is ready and willing to contribute a sum of Rs.50,000/- 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 Government Advocate (Crl.side) appearing for the respondent opposed for granting anticipatory bail by stating that the four accused involved in this case and the petitioner is fourth accused who purchase the contraband tobacco products from Bangalore and sold it in Tamil Nadu. He further submits that the co-accused has already been released on bail.

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.50,000/- for charitable purpose and the co-accused was released on bail, 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 on his executing 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 learned VII Judicial Magistrate, Coimbatore, and on further conditions that:

[a] the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Advocate Clerk Association, Chennai, 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 two months 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 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/-

18/02/2022

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 VII JUDICIAL MAGISTRATE,  
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
COIMBATORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
SAIBABA COLONY POLICE STATION,  
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE ADVOCATE CLERK ASSOCIATION,  
CHENNAI.

+1CC to M/S. NATHAN AND ASSOCIATES Advocate on payment of  
necessary charges SR.No.2702

CRL OP.3247/2022

Date :18/02/2022

CSK 23/02/2022