



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.3035 of 2022

Arul @ Arunkumar

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.
(Crime No.549 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.549 of 2021, on the file of the respondent Police.

For Petitioner : Mr.SenthilKumar

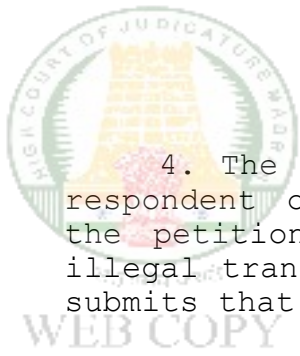
For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

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

2.The case of the prosecution is that while the respondent police was in regular vehicle check up, the petitioner along with other accused persons were travelling in a van and when checking up the vehicle, it was found that the petitioner along with other accused persons were involved in illegal transportation of Gudka and other banned Tobacco products and the same was seized by the respondent police.

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.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 Government Advocate (Crl.side) appearing for the respondent opposed for granting anticipatory bail by stating that the petitioner along with other accused persons were involved in illegal transportation of Gudka and other banned Tobacco. 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.30,000/- 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 Judicial Magistrate, Tiruchengode, Namakkal District, and on further conditions that:

[a] the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty thousand only) to the credit of Advocate Clerk Association, Namakkal, 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 Tuesday and Monday 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 JUDICIAL MAGISTRATE,
TIRUCHENGODE, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 ADVOCATE CLERK ASSOCIATION,
NAMAKKAL

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

CRL OP.3035/2022

Date :18/02/2022

RVR 24/02/2022