



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2508 of 2022

1.Venkatesh
2.M.Pusavel

... Petitioners

Versus

State represented by
The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
(Crime No.24 of 2022)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest concerned in Crime No.24 of 2022 on the file of the respondent police.

For Petitioners: Mr.S.Premakumari

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 279, 328 of IPC and Sections 7 & 20(1) of Cigarette and other Tobacco Products Acts 2003 in Crime No.24 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 26.01.2022 while the respondent police involved in the vehicle inspection of one vehicle met with an accident from Dharmapuri to Salem National Highway Road, Near Kurinji Nagar Surya Hotel. The petitioner was hit on the Mahendra Pick Up Lorry at the time of the respondent police involved in the vehicle inspection. However, at the time the respondent police searched the lorry of the petitioners near Kurinji Nagar Surya Hotel, Dharmapuri to Salem National Highway Road, and at the time they were found that the petitioners were illegally transported 31 bags of tobacco products. Hence this case.



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

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that totally 3 accused, A3 is the owner of the product and he was arrested and remanded to Judicial Custody. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. 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 No.II, Dharmapuri 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 petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) [each Rs.10,000/-] to the credit of the Registered Advocate Clerk Association, Salem District within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioners and 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 petitioners are directed to report before the respondent police daily at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

03/02/2022

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,
NO.II, DHARMAPURI DISTRICT.

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

3 THE INSPECTOR OF POLICE,
THOPPUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE CLERK
ASSOCIATION, SALEM DISTRICT.

+1 CC to M/S.S.JAYALAKSHMI Advocate on payment of necessary
charges SR.NO.1835

CRL OP.2508/2022

Date :03/02/2022

RW 09/02/2022