



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM:

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

Crl.O.P.No.4454 of 2022

Kishore

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
Karumathampatty Police Station,
Coimbatore District.
(Crime No.803 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.803 of 2021, pending investigation before the respondent Police.

For Petitioner : Mr.C.Mohanraj

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

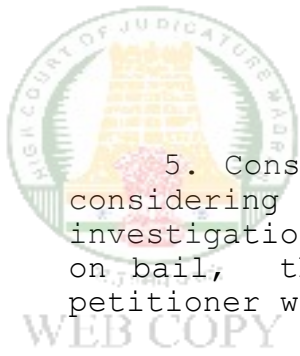
ORDER

The petitioner, who apprehends arrest for the alleged offence under Section 7(1) & 20(2) of Cigarette and Other Tobacco Products Act, 2003 r/w Section 328 of IPC in Cr.No.803 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 111 kgs of contraband Tobacco products. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the co-accused was arrested and released on bail. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.side) raised objection stating that the petitioner was in illegal possession of 111 kgs of contraband tobacco products. He further submitted that the investigation is almost completed.



5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and the investigation almost completed and co-accused already been 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 in the event of arrest or on his appearance before the learned Judicial Magistrate, Sulur, Coimbatore, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties 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 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;

[b] the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) as non-refundable deposit through RTGS/NEFT/Demand Draft in favour of the SRI ARUNODHAYAM CHARITABLE TRUST, 45. Sivananda Nagar, Kolathur, Chennai-600 099, HDFC Bank, Dayalu Nagar, Villivakkam Branch, A/c No.50100196910687, IFSC Code:HDFC0004221, Cell.No.8608971037 and Tel.No.91-44-26511450.

[c] the petitioner shall report before the respondent police on every Wednesday, Tuesday and Sunday at 10.30 a.m., for a period of three 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;

