



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9097 of 2022

GOPALAKRISHNAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MANALURPET POLICE STATION,
VILLUPURAM DISTRICT.
(CRIME NO.111/2022)

[RESPONDENT]

For Petitioner : M/S. K T S SIVAKUMAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 273, 328 of IPC read with Section 24(1) of Cigarettes and Other Tobacco Products Act (COTPA ACT) in Crime No.111 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein is arrayed as A-2, it is a case of seizure of banned tobacco product worth about Rs.11,760/- from A-1, this petitioner is implicated as one of the accused based on the confession of the arrested accused.

3. The learned counsel for the petitioner would submit that arrested accused is a tenant under the petitioner and he is no way connected with the alleged offence.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is the whole sale distributor of banned products and he in his provisions store in the name of GK Agency at Ja.Sithamoor village doing this illegal business.



5. Considering the rival contentions and the fact that the police has not conducted any search on the petitioner premises to verify the veracity of the accused. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

WEB COPY

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tirukoilur on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 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 shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer as and when required for interrogation;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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 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;

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

-sd/-

22/04/2022

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.



1 THE JUDICIAL MAGISTRATE,
TIRUKOILUR, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT[FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MANALURPET POLICE STATION,
VILLUPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. H.RAJESH Advocate on payment of necessary charges
SR.No.6164

CRL OP.9097/2022

Date :22/04/2022

CSK 28/04/2022