



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10654 of 2022

1 DHOULATH KHAN
2 REHMAN

[PETITIONERS/ ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VANIYAMBADI TOWN POLICE STATION,
VANIYAMBADI, TIRUPATHUR DISTRICT.
(CR.NO. 87 OF 2022)

[RESPONDENT]

For Petitioner : M/S.G.VINODH KUMAR Advocate

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

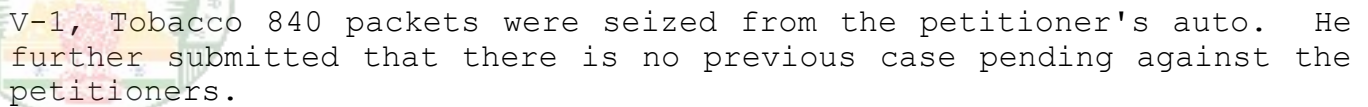
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner herein, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7(5), 20 (2) of Cigarette and Other Tobacco Products Act 2003 r/w 328 IPC, in Crime No.87 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioners herein apprehend arrest in a case registered by the police on 31.03.2022, the defacto complainant who is the Sub Inspector of Police and another were in routine checkup to Tobacco seller. At that time, the defacto complainant proceeded to stop the Auto bearing Registration No.TN23AJ5564, on seeing the police, the petitioners have fled from the scene of occurrence. They found illegal possession of tobacco products and the tobacco products were seized.

3. Learned Government Advocate (Crl.side) states that the auto Hans 180 packets, Cool Lip 84 packtes, Vi Tobacco 270 big packets, Vimal Pan masala 240 big packet, Vimal Pan Masala 770 small packet,



innocent ar

5. Considering the above facts that the properties had been seized and petitioners have no previous case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.25,000/- each (Rupees Twenty Five Thousand only) to the Advocate Clerks Welfare Association, Chennai within a period of seven days from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vaniyambadi, on condition that petitioners shall execute a bond for a sum of Rs.25,000/- each (Rupees Twenty Five 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 and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners 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 petitioners shall report before the Investigating Officer 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 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.

WEB COPY

-sd/-

05/05/2022

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,
VANIYAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VANIYAMBADI TOWN POLICE STATION,
VANIYAMBADI, TIRUPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ADVOCATE CLERKS WELFARE ASSOCIATION,
CHENNAI.

+1CC to M/S.G.VINODH KUMAR Advocate on payment of necessary charges SR.No.6814

CRL OP.10654/2022

Date :05/05/2022

CSK 11/05/2022