



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.13154 of 2022

A.FAIROZE

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
G-5, SECRETARIAT COLONY POLICE STATION,
CHENNAI
(CRIME NO.120 OF 2022)

[RESPONDENT]

For Petitioner : M/S. T.G.RAVICHANDRAN Advocate

For Respondent : MR.S.UDAYA KUMAR, 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 at the hands of the respondent police for the alleged offence punishable under Section 353 & 506(i) of IPC and Sections 6(b) & 24(1) of Cigarette and other Tobacco Products Acts 2003 in Crime No.120 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The respondent police based on a specific information raided the premises of the Gutka Bar run by the petitioner herein. During the search of the premises, the petitioner was not present in the Bar. Accused 1 to 4 prevented the respondent police initially from proceeding with the search of the premises alleging that the prohibited tobacco products were recovered from the premises which was meant for retail sale to the public and particularly to the college students and the school students.

3.The petitioner herein sought for Anticipatory bail earlier before this Court. However, considering the gravity of the offence, the abscondance of the petitioner, the Anticipatory bail petition was dismissed on 25.04.2022.



4.Learned counsel appearing for the petitioner would submit that all the four accused present in the premises were arrested and granted bail and the F.I.R does not attribute any overt act against this petitioner and the tobacco products alleged to have been recovered in his premises. At the most, an illegal possession of the banned tobacco products will attract only a fine of Rs.200/- as per act and therefore the custodial interrogation of the petitioner is not required.

5.Considering the change of circumstance, this court is inclined to grant anticipatory bail to the petitioner. 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 II Metropolitan Magistrate, Egmore, Chennai on condition that petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 petitioner 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 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 investigating officer daily at 10.30 a.m. until further orders;

(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 have 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;



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

-sd/-
08/06/2022

WEB COPY

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 METROPOLITAN MAGISTRATE,
NO.II, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
G-5, SECRETARIAT COLONY POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. T.G.RAVICHANDRAN Advocate on payment of necessary charges SR.NO.8680

CRL OP.13154/2022

Date :08/06/2022

JPA 14/06/2022