



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12325 of 2022

V.SHANMUGAVEL

[ PETITIONER / ACCUSED ]

Vs

THE STATE REP. BY  
THE INSPECTOR OF POLICE  
TRIPLICANE POLICE STATION,  
CHENNAI DISTRICT.  
CRIME NO.297 OF 2022

[ RESPONDENT ]

For Petitioner : M/S.ILAIYA PERUMAL, Advocate for  
M/S S.B.VISWANATHAN Advocate

For Respondent : MR.C.E.PRATAP, 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 offences under Sections 294(b), 328 and 506(i) of IPC read with Sections 6(b) and 24(1) of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 in Crime No.297 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. Totally, there are three accused in this case and the petitioner is arrayed as A3. The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of 540 kgs of banned tobacco products. Hence, a case was registered against the petitioner and others.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement given by A2.



On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.1,00,000/- to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai, and prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that A1 and A2 have been arrested during the regular inspection and the petitioner/A3 is the main dealer of supplying the banned tobacco products to the shop in retail basis. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.1,00,000/- to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Metropolitan Magistrate's Court No.II, Egmore, Chennai, on condition that the petitioner 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for 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.

[b] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai.



[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].

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

-sd/-  
26/05/2022

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 METROPOLITAN MAGISTRATE,  
NO.II, EGMORE, CHENNAI

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

3 THE INSPECTOR OF POLICE  
TRIPLICANE POLICE STATION,  
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE ADYAR CANCER INSTITUTE (WIA),  
EAST CANAL BANK ROAD, ADYAR,  
CHENNAI.

+1 CC to M/S S.B.VISWANATHAN Advocate on payment of necessary charges SR.NO.7894

CRL OP.12325/2022

Date :26/05/2022

JPA 31/05/2022