



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11398 of 2022

R.SURESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
POOLAMPATTI POLICE STATION,
SALEM DISTRICT.
CRIME NO.18/2022.

[RESPONDENT]

For Petitioner : M/S.R.JAYAPRAKASH Advocate

For Respondent : A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

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 273, and 328 of IPC, 1860 r/w. Section 7(1) and 20(2) of Cigarette and other Tobacco Products Acts, 2003 in Crime No.18 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. Totally, there are two accused and the petitioner is arrayed as A2. The case of the prosecution is that the petitioner along with other accused were found in possession of 540.790 kgs of prohibited tobacco products worth about Rs.5 lakhs. Hence, a case was registered against the petitioner and another one.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and the contraband was recovered from the house of A1 and not from the petitioner herein. Now, A1 was arrested and released on bail. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.1,00,000/- (Rupees One Lakh only) to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, and prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that entire contraband has been recovered and two previous cases are pending as against the petitioner. 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 counsel and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.1,00,000/- (Rupees One Lakh only) to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, 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 credit of Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, 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 District Munsif cum Judicial Magistrate, Edappadi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, who shall be the blood relatives of the petitioner, 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.

[b] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) by way of Demand Draft to the credit of Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram.

[c] the petitioner shall stay at Chennai and report before the Egmore Police Station daily at 10.30 a.m. for a period of four weeks and thereafter, 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.

[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.

WEB COPY

-sd/-
18/05/2022

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 DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE COURT, EDAPPADI.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POOLAMPATTI POLICE STATION,
SALEM DISTRICT.

5 ARIGNAR ANNA MEMORIAL CANCER
HOSPITAL AND RESEARCH INSTITUTE,
KANCHEEPURAM.

6 THE OFFICER INCHARGE,
EGMORE POLICE STATION,
CHENNAI.

+1CC to M/S.R.JAYAPRAKASH Advocate on payment of necessary
charges SR.7144

CRL OP.11398/2022

Date :18/05/2022

SRG 20/05/2022