



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.11325 of 2022

1 SANTHOSH
2 SIVAKUMAR

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DEEVATTIPATTI POLICE STATION,
SALEM DISTRICT.
CRIME NO.798 OF 2021.

[RESPONDENT]

For Petitioner : M/S.J.FRANKLIN Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 7 & 20(1) of the Cigarettes and other Tobacco Products Act, 2003 and Sections 273 & 328 IPC and Sections 52 & 59 of Food Safety and Standards Act 2006 in Crime No. 798 of 2021 on the file of the respondent police, seek anticipatory bail.

2. There are totally three accused in this case in which the petitioners are arrayed as A2 and A3. A2 is the cleaner and A3 is the owner of the lorry. The case of the prosecution is that the petitioners had illegally transported 1980 kgs of banned Tobacco products by using Eicher Lorry bearing Registration No.TN-29-BL-4192. Hence, a case was registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. On instructions, he would further submit that the petitioners are ready to deposit an amount of Rs.1,00,000/- each as non-refundable deposit to the **Adyar Cancer Institute (WIA)**,



East Canal Bank Road, Adyar, Chennai, and prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners were in possession of 1980 kgs of banned tobacco products. He further submitted that there is no previous case pending against the petitioners. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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 petitioners have come forward to deposit an amount of Rs.1,00,000/- (Rupees One Lakh only) each as non-refundable deposit to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai,** this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) each by way of Demand Draft as non refundable deposit to the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** 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 fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Omalur on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 petitioners 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 petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) each by way of Demand Draft as non refundable deposit to the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai.**

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation.

[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]**.

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

-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 JUDICIAL MAGISTRATE,
OMALUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

+1 CC to M/S.J.FRANKLIN Advocate on payment of necessary charges SR.NO.7432

CRL OP.11325/2022

Date :18/05/2022

TA-19/05/2022