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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.11378 of 2022

VIJI @ VIJAYAKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CHEYYAR POLICE STATION,
CR.NO. 207 OF 2022.

[RESPONDENT]

For Petitioner : M/S. D.BALAJI 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 petitioner, who apprehends arrest for the alleged offences under Sections 273, 328, 511 of IPC r/w. 6(b), 24(1) of the Cigarettes and other Tobacco Products Act, 2003 in Crime No. 207 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. There are totally five accused in this case. The petitioner is arrayed as A3. The petitioner is the father of A1 & A2. The case of the prosecution is that the petitioner's sons viz., A1 & A2 had illegally transported 150 kgs of banned Tobacco products by using Mahindra Bolero Pickup bearing Registration No.TN-73-AE-3200. Hence, a case was registered against the petitioner.

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. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.50,000/- as non-refundable deposit to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, and prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that the petitioner is the father of A1 & A2. The petitioner is arrayed as A3. The petitioner's sons viz., A1 & A2 were in possession of 150 kgs of banned Tobacco Products. 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.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit 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.50,000/- (Rupees Fifty Thousand only) 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 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 Judicial Magistrate, Cheyyar, Tiruvannamalai, on condition that the petitioner shall execute a 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 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.50,000/- (Rupees Fifty Thousand only) by way of Demand Draft as non refundable deposit to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram.

[c] the petitioner 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 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.

-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,
CHEYYAR, TIRUVANNAMALAI DISTRICT.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHEYYAR POLICE STATION,
THIRUVANNAMALI DISTRICT.

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

+1 CC to M/S. D.BALAJI Advocate on payment of necessary charges
SR.7157

CRL OP.11378/2022

Date :18/05/2022

SRG 20/05/2022