



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.11468 of 2022

ARUN @ ARUN KUMARAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
MADUKKARAI POLICE STATION,
COIMBATORE DISTRICT.
CRIME NO.165 OF 2022.

For Petitioner : M/S.C.D.SUGUMAR Advocate

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

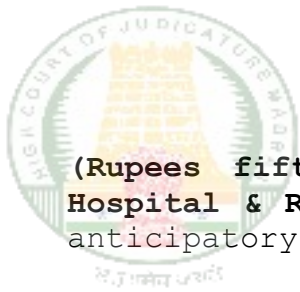
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under **Section 328 of IPC and Sections 7 and 24(1) of the Cigarette and other Tobacco Products, 2003 in Crime No.165 of 2022**, seeks anticipatory bail.

2. The petitioner is arrayed as A1, and A2 is driver of A1. The case of the prosecution is that, the petitioner is a tenant under the de-facto complainant and on 14.03.2022, the petitioner and his driver have given a tobacco pocket to him, and after consuming the same, he suffered from itches and uneasiness. The further case of the prosecution is that the petitioner had stored 295 kgs of banned tobacco products for whole sale in his house. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has no knowledge about the alleged recovery of contraband 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/-**



(Rupees fifty thousand 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, however, 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)** 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 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 Judicial Magistrate, Madukkarai, Coimbatore**, 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 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.50,000/- (Rupees fifty thousand only)** by way of Demand Draft to the credit of **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,
MADUKKARAI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADUKKARAI POLICE STATION,
COIMBATORE DISTRICT.

5 THE ARIGNAR ANNA MEMORIAL
CANCER HOSPITAL & RESEARCH INSTITUTE,
KANCHEEPURAM.

+1 CC to M/S.C.D.SUGUMAR Advocate on payment of necessary charges SR.NO.7415

CRL OP.11468/2022

Date :18/05/2022

TA-23/05/2022