



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.12123 of 2022

RAJESH

[PETITIONER / ACCUSED]

Vs

STATE BY INSPECTOR OF POLICE
K-10, KOIYAMBEDU POLICE STATION,
KOIYAMBEDU, CHENNAI.
CRIME NO.116/2022.

[RESPONDENT]

For Petitioner : M/S.A.P.SATHYAMURTHY Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

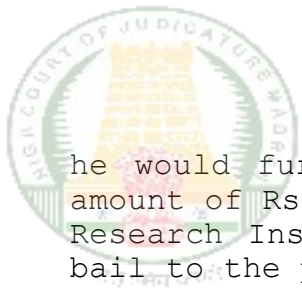
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Section 6 (b), 24(1) of the Cigarettes and other Tobacco Products Act, 2003 and 77 of the Juvenile Justice (Care and Protection of Children) Act 2015 in Crime No.116 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 02.04.2022, when the defacto complainant/Sub Inspector of Police was on rounds along with Constables Navaraj and Muthaiya, a bag was found, containing Hans packets amounting to 6 kg., MDM packets amounting to 4 kg. & 800 gms., VI packet amounting to 1 kg. & 350 gms., Vimal packet amounting to 6 kg. & 600 gms. Gold Swagath amounting to 5 kg. & 500 gms, which worth Rs.12,000/-. 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. Learned counsel for the petitioner further submitted that the alleged date of occurrence being 02.04.2022 is Government Holiday and therefore the question of selling the contraband to the School students is totally false. On instructions,



he would further submit that the petitioner is ready to deposit an amount of Rs.1,00,000/- to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram and prays for grant of anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor would submit that the petitioner has two previous cases, which are similar in nature. 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 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 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 V Metropolitan Magistrate, 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.

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

[c] the petitioner shall stay at Perambalur Police Station and report before the respondent police daily twice at 10.30 a.m. and 5.30 p.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.

-sd/-

19/05/2022

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 V METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE,
CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE
K-10, KOIYAMBEDU POLICE STATION,
KOIYAMBEDU, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

6 THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION, PERAMBALUR

CC to M/S.A.P.SATHYAMURTHY Advocate on payment of necessary charges SR.7513

CRL OP.12123/2022

Date :19/05/2022

RVR 24/05/2022