



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12199 of 2022

1 SEKAR

[PETITIONERS / ACCUSED]

2 SELVAM @ SELVA KUMAR

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
TIRUVALLUR TOWN POLICE STATION,
TIRUVALLUR
(CRIME NO.97/2022).

For Petitioner : M/S.K.ELUMALAI Advocate

For Respondent : M/S. 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 294(b), 353, 506(i) and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.97 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 08.03.2022, the petitioners along with other accused were found in possession of 432 pockets of banned tobacco products in 3 gunny bags. Hence, a case was registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons 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.20,000/- each 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 have no previous cases. However, 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.20,000/- each 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, each of the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) by way of Demand Draft 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, No.1, Tiruvallur on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which one shall be a blood related surety, 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] each of the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) by way of Demand Draft 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 themselves 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

20/05/2022

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,
NO.I, TIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
TIRUVALLUR TOWN POLICE STATION,
TIRUVALLUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.K.ELUMALAI Advocate on payment of necessary charges
Sr.7746

CRL OP.12199/2022

Date :20/05/2022

RVR 23/05/2022