



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.12294 of 2022

S.GANESAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KANCHEEPURAM TALUK POLICE STATION,
KANCHEEPURAM,
KANCHEEPURAM DISTRICT.
(CRIME NO.35/2022)

[RESPONDENT]

For Petitioner : M/S. S. MADHUSUDANAN Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

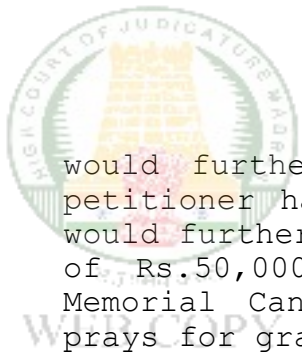
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 328 of IPC and Section 7, 9(2) of Cigarettes and other Tobacco Products Act, 2003 in Crime No.35 of 2022, seeks anticipatory bail.

2. The petitioner is arrayed as A4. The case of the prosecution is that while the police personnel conducting a routine vehicle check-up, it was found that A1 and A2 along with other accused had transported banned tobacco products through vehicles and on seizure of contraband, the case has been registered against A1 and A2. The further case of the prosecution is that, on confession of A1 and A2, the petitioner and other accused have been implicated as accused.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a driver of A3 and he is an innocent person and he has nothing to do with the alleged recovery of contraband. He



would further submit that, only on confession of co-accused, the petitioner has been implicated as A4. However, 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-I, Kancheepuram, 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.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 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 THE JUDICIAL MAGISTRATE,
NO.I, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANCHEEPURAM TALUK POLICE STATION,
KANCHEEPURAM
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S. S. MADHUSUDANAN Advocate on payment of necessary charges SR.NO. 7488

CRL OP.12294/2022

Date :19/05/2022

RW-25/05/2022