



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

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR
CRIMINAL ORIGINAL PETITION No.12504 of 2022

1 A.PAULRAJ
2 KANNAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY THE INSPECTOR OF POLICE,
PONNERI POLICE STATION,
PONNERI, THIRUVALLUR,
(CR NO.105 OF 2022)

[RESPONDENT]

For Petitioner : M/S.S.MADHUSUDANAN Advocate

For Respondent : MR.V.MEGANATHAN, Govt. Advocate (Cr1. Side)

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 7, 20 (2) of the Cigarattes and other Tobacco Products Act, 2003 read with Section 294 (b), 353, 328 of IPC in Crime No.105 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused were found in possession of 514 Kgs of banned tobacco products. 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.1,00,000/- 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 Government Advocate would submit that the petitioners have no previous case against them. 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.1,00,000/- 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, the petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) each, 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 their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Ponneri, on condition that the petitioners shall execute a separate 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 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] the petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) each, 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 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 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/-

26/05/2022

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,
PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PONNERI POLICE STATION,
PONNERI, THIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.S.MADHUSUDANAN Advocate on payment of necessary
charges Sr.8045

CRL OP.12504/2022

Date :26/05/2022

RVR 31/05/2022