



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.12619 of 2022

BHAGA RAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
SATHUVACHERI POLICE STATION,
VELLORE.

CRIME NO.75/2022.

For Petitioner : M/S. A.S.ASWIN PRASANNA Advocate for
M/S.T.VIJAY, Advocate

For Respondent : MR.V.MEGHANATHAN, 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 279 IPC and under Sections 7 (5), 20 (2) of Cigarattes and other Tobacco Products Act, 2003 read with Section 328 of IPC in Crime No.75 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 28 white sacs containing HANS and other tobacco products worth Rs.2,58,320/-. Hence, a case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent person 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.1,00,000/-, to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, and prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate would submit that the petitioner has no previous case against him. 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.1,00,000/-, to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, 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) each, by way of Demand Draft to the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, and on such deposit the petitioner is ordered to be released on bail in the event of his 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 V, Vellore, 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 One Lakh only), by way of Demand Draft to the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**.

[c] the petitioner shall report before the respondent Police 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/-

26/05/2022

WEB COPY

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.V, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
SATHUVACHERI POLICE STATION,
VELLORE.

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

+1 CC to M/S. A.S.ASWIN PRASANNA Advocate on payment of
necessary charges SR.NO.7935

CRL OP.12619/2022

Date :26/05/2022

TA-01/06/2022