



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13402 of 2022

N.ARJUNAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
BARGUR POLICE STATION,
KRISHNAGIRI DISTRICT.
CR.NO.71 OF 2022.

[RESPONDENT]

For Petitioner : M/S.E.KANNADASAN Advocate

For Respondent : MR.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 for the alleged offences under Sections 328 of IPC and Section 7, 20(i) of Cigarette and other Tobacco Products Act, 2003 r/w Section 52, 59 of Food Safety and Standards Act, 2006, in Crime No.71 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. Totally there are seven accused in this case. The petitioner herein is arrayed as A7. The case of the prosecution is that the petitioner along with other accused was found in possession of 1008 kgs of six varieties of banned Tobacco products using gunny bags and white colour polythine bags worth about Rs.6,27,000/-. 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 based on the confession statement given by A1. He would further submits that the co-accused A-4 was released on anticipatory bail in CrI.OP.No.8118 of 2022 dated 07.04.2022. On instructions, he would further submit that the petitioner is ready to



deposit an amount of Rs.1,00,000/- as non refundable deposit to the credit of the Tamilnadu Advocate's Clerk's Association, Madras and hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner has no previous case against him. 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/- (Rupees One Lakh only) as non refundable deposit to the credit of the Tamilnadu Advocate's Clerk's Association, Madras, 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 Tamilnadu Advocate's Clerk's Association, Madras, 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 No.1, Krishnagiri, 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) as non refundable deposit **to the credit of the Tamilnadu Advocate's Clerk's Association, Madras, A/c. No.484026006; IFSC No.IDB000M157.**

[c] the petitioner shall report before the respondent police 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/-
10/06/2022

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.1, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BARGUR POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE TAMILNADU ADVOCATES CLERKS ASSOCIATION,
HIGH COURT, MADRAS.
A/C NO.484026006, IFSC NO.IDB000M157.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.8886

CRL OP.13402/2022

Date :10/06/2022

TA-15/06/2022