



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

Monday, the Fourth day of July Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.15362 of 2022

1 MURUGAN
2 EBINESH

[PETITIONERS / ACCUSED]

Vs

SUB INSPECTOR OF POLICE
TIRUVENNAINALLUR POLICE STATION,
VILLUPURAM DISTRICT
(CRIME NO.372/2022)

[RESPONDENT]

For Petitioner : M/S P.JAYACHANDRAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 353 of IPC and 24(1) of Cigarette and other Tobacco Products Act 2003 in Crime No.372 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, based on secret information, the respondent police, arrested the petitioners on 17.06.2022, for the alleged possession of 576 bags of four varieties of banned tobacco products. Hence the complaint.

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.25,000/- each, to the Chief Justice Relief Fund, High Court, Chennai and prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners has no previous case against them. Hence, 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 has come forward to deposit an amount of Rs.25,000/- each, to the Chief Justice Relief Fund, High Court, 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.25,000/- (Rupees Twenty Five Thousand only) each, by way of Demand Draft to the Chief Justice Relief Fund, High Court, Chennai and on such deposit the petitioners are ordered to be released on bail in the event of 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 No.II Court, Ulundurpet, Villupuram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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.25,000/- (Rupees Twenty Five Thousand only) each, by way of Demand Draft to the Chief Justice Relief Fund, High Court, 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 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/-

04/07/2022

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.II, ULUNDURPET, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 SUB INSPECTOR OF POLICE
TIRUVENNAINALLUR POLICE STATION,
VILLUPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SECTION OFFICER,
ACCOUNTS SECTION, CHIEF JUSTICE RELIEF FUND,
HIGH COURT, CHENNAI

CC to M/S P.JAYACHANDRAN Advocate on payment of necessary
charges Sr.10565

CRL OP.15362/2022

Date :04/07/2022

RVR 08/07/2022