



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15085 of 2022

1 RAJASEKAR [PETITIONERS / ACCUSED]
2 KUMAR @ KARTHIKKUMAR
3 SATHEESH @ SATHISHKUMAR

Vs

STATE REP BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
MOLASI POLICE STATION,
NAMAKKAL DISTRICT.
(CRIME NO.75/2022)

For Petitioner : M/S.P.MUTHUKUMARASAMY, 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 offences punishable under Sections 120(B), 273 & 328 of IPC r/w Section 24(1) of Cigarette and other Tobacco Products Acts 2003 in Crime No.75 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 07.06.2022, based on the secret information, the respondent police found the petitioners herein along with A1 in possession of 112.5 Kgs of prohibited Tobacco Products (Gutkha and pan masala) meant to be sold to the public. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioner are innocent persons and they have been falsely implicated in this case based on the confession statement given by A1. On instructions, he would further submit that the each of the petitioners are ready to deposit an amount of Rs.20,000/- to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit and prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that the petitioners herein were working under A1 who was found in possession of 112.5 Kgs of prohibited Tobacco products. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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5. Taking note of the facts and circumstances and also taking note of the fact that each of the petitioners has come forward to deposit an amount of Rs.10,000/- to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, each of the petitioners is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only) to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit**, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Kumarapalayam, on condition that each of 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] each of the petitioners shall deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only) to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit**, within a period of four weeks from the date on which the order copy made ready and the receipt of such deposit shall be produced before the concerned learned Magistrate at the time of execution of bond.

[c] the petitioners shall appear 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

30/06/2022

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,
KUMARAPALAYAM, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
MOLASI POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SECTION OFFICER
ACCOUNT'S SECTION
CHIEF JUSTICE RELIEF FUND
HIGH COURT, MADRAS.

+1 CC to M/S V.BALAMURUGAN Advocate on payment of necessary charges SR.NO.10439

CRL OP.15085/2022

Date :30/06/2022

TA-05/07/2022