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CRL OP NO. 31771 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31771 of 2024

A.Umar@ Umar Baruk
S/o. Abdulsalam,no.76/1, Nachiyar
AmmanKovil, Jayankonda Cholapuram, Ariyalur
- 621802.

Petitioner(s)

Vs

The State Rep By
State Rep. by it's, The Inspector of Police,
Andimadam Police Station, Ariyalur - 621 801.

Respondent(s)

For Petitioner(s):

Loganathan C
K.Rishiadhithya

For Respondent(s): Mr.S.Santhosh, Govt. Adv.Crl.Side
Public Prosecutor

ORDER

Apprehending arrest in connection with Crime No.162 of 2024 registered for the offences punishable under Sections 272, 273, 328 of IPC & 6(a) r/w 24(1) of COTPA Act, 2003, the present petition has been filed by the petitioner seeking anticipatory bail.



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2.The case of the prosecution is that the petitioner/A2 along with others was found in possession of banned products, namely, Hans, Vimal Pakku, Gutka and the same were sold by the accused to the public and school children. Hence the complaint.

3.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the banned products have been seized from the first accused. He would further submits that there is no previous case against the petitioner. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/- to any welfare scheme of the Government or any other organization. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

4. The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for



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grant of bail, is that the petitioner and others were sold the banned products by the Government to the public and school children. He would further submits that the said banned produces have been seized from the accused. He further submits that there is no previous case against the petitioner.

5. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the "**District Legal Services Authority, Ariyalur,**" without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

6. Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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 of receipt of a copy



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of this order, before the learned **Judicial Magistrate No.2, Jeyamkondam, Ariyalur District**, 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 report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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



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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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

19-12-2024

MSM

To

1. The State Rep By
State Rep. by it's,
The Inspector of Police,
Andimadam Police Station,
Ariyalur - 621 801.

2.The Public Prosecutor, High court, madras.



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A.D.JAGADISH CHANDIRA, J.

MSM

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