



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4268 of 2019

RAJA ... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
BODINAYAKKANUR RURAL POLICE STATION,
THENI DISTRICT.
(CRIME NO.159/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.MITHUNCHAKRAVARTHI, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

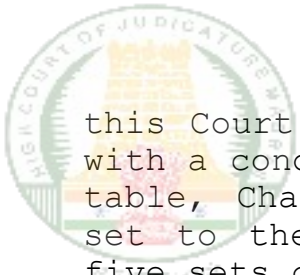
The petitioner who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 6,7 and 24 (1) of Cigarette and other Tobacco Products Act, 2003 and 328 of IPC in crime No. 159 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is found in possession of 1653 kg of Ganesh Gutkha, 411Kg of Cool leaf filter Gutka and 720 kg of Viman pan masala and 660 Kg of V.J.Gutka. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is innocent person. He would further submit that the petitioner is ready to deposit any amount to the Government school for the welfare of the students.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is willing to deposit some amount to the Government school for the welfare of the students,



this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner shall purchase a set of bureau, table, Chair(S.type), fan, worth about Rs. 20,000/- and give each set to the following five Schools (in total Rs.1,00,000/-for the five sets of the above articles)

WEB COPY

1. T.Pudukottai Elementary School
2. Ramakrishnapuram Higher Secondary School
3. Muthayan Chettypatty higher Secondary School
4. Sankarapuram Higher Secondary School
5. B. Anaikarai patty Higher Secondary school

and thereafter sureties shall be accepted.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinayakannur, Theni 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 and on further condition that:

(a) the petitioner is directed to purchase a set of bureau, table, Chair(S.type), fan, worth about Rs. 20,000/- and give each set to the following five Schools (in total Rs.1,00,000/-for the five sets of the above articles)

1. T.Pudukottai Elementary School
2. Ramakrishnapuram Higher Secondary School
3. Muthayan Chettypatty higher Secondary School
4. Sankarapuram Higher Secondary School
5. B. Anaikarai patty Higher Secondary school

and thereafter sureties shall be accepted.

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m until furthers

(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]**; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/03/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, BODINAYAKANNUR,
THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
BODINAYAKKANUR RURAL POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4268 of 2019
Date :28/03/2019

MS/PN/SAR-2/03.04.2019/3P.5C