



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12422 of 2021

1. Dakshinamurthi

2. Thanaraj @ Dhanraj

3. Palraj

... Petitioners

Vs.

The State

Rep by Inspector of Police,

Minjur Police Station,

Tiruvallur District.

(Crime No.517 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail in the event of their arrest for the alleged offences U/s.294(b), 353, 328 of IPC r/w sections 7 and 20(2) of Cigarette and other Tobacco Products Act 2003 in Crime No.517 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.I.Javid Akbar

For Respondent : Mr.A.Gopinath

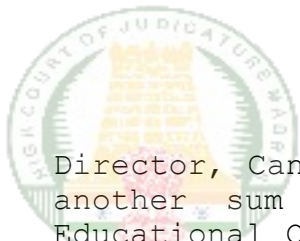
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 353, 328 of IPC r/w sections 7 and 20(2) of Cigarette and other Tobacco Products Act 2003 in Crime No.517 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution in that when the respondent police was on regular checkup they found that the petitioners were in possession of 7 tonnes of tobacco products. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.9,00,000/- for any welfare activities as may be ordered by this Court. In fact, learned counsel for the petitioners submitted that a sum of Rs.3,00,000/- be given to " The



Director, Cancer Institute(WIA), Adayar for treating Cancer patients; another sum of Rs.3,00,000/- be given in favour of The Chief Educational Officer, Thiruvallur District, for the rehabilitation and improvement of the basic needs of the Government Schools in the concerned District and the balance sum of Rs.3,00,000/- may be given in favour of The Commissioner, Greater Chennai Corporation for the purpose of purchase of vaccine for COVID-19.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of anticipatory bail by stating that the petitioners were in possession of 7 tonnes of tobacco products. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. In view of the the fact that the petitioners, on their own volition are ready and willing to contribute a sum of Rs.9,00,000/- for the purpose of welfare activities, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, 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 of receipt of a copy of this order, before the learned Judicial Magistrate-II, Ponneri on condition that each of the petitioners shall execute a separate bonds 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 and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) as undertaken by the petitioners on their own volition, the petitioners shall make a non refundable deposit of Rs.3,00,000/- through demand draft in favour of " The Director, Cancer Institute(WIA), Adayar for treating Cancer patients; another demand draft for a sum of Rs.3,00,000/- in favour of The Chief Educational Officer, Thiruvallur District, for the rehabilitation and improvement of the basic needs of the Government Schools in the concerned District and further make a non-refundable deposit of Rs.3,00,000/- to the credit of The Commissioner, Greater Chennai Corporation for the purpose of purchase of vaccines for COVID-19 relief under necessary acknowledgment. The above contribution is made without prejudice to their defence before the trial court and the petitioners shall submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the



receipt/acknowledgment shall accept the sureties furnished by the petitioners;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) 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;

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

7. It is made clear that the deposit of the amount by the petitioners for the welfare activities would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of anticipatory bail.

8. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done for the improvement/rehabilitation of the schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

20/07/2021

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, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR DISTRICT [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MINJUR POLICE STATION,
TIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATIONAL OFFICER
TIRUVALLUR DISTRICT.

+2CC to M/S M.I.JAVID AKBAR Advocate on payment of necessary
charges S.R. NO. 7566

CRL OP.12422/2021

Date :20/07/2021

JPA 28/07/2021