



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Sixteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14354 of 2021

1 GAJA [ PETITIONERS / ACCUSED ]  
2 M.VIJAYAKUMAR  
3 D.PONNUDURAI

Vs

THE STATE REP.BY [ RESPONDENT ]  
THE INSPECTOR OF POLICE,  
MINJUR POLICE STATION,  
CHENNAI.  
(CR.NO.517 OF 2021)

For Petitioner : M.I.JAVID AKBAR Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate ( Crl. Side)

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 Sections 294(b), 353, 328 of I.P.C. r/w. Sections 7 and 20(2) of Cigarette and Other Tobacco Products Act, 2003 in Cr.No.517 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with the other accused are alleged to have been found in possession of 7 Tonnes 400 Kgs. of tobacco products. The petitioners are arrayed as A9 to A11 in the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the co-accused have already been enlarged on bail in Crl.O.P.No.12422 of 2021 on 20.07.2021. The learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.1,00,000/- to the Commissioner, Chennai Corporation for improvement of Government



Schools under the Corporation and a sum of Rs.1,00,000/- to the Adyar Cancer Institute, Chennai.

4. Heard the submissions made by the learned Government Advocate (Crl. Side).

5. Considering the fact that that the co-accused have already been enlarged on bail, 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 JM-II Judicial Magistrate, Ponneri, 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 and on further condition that:

(a) The petitioners shall make a non-refundable deposit of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of the Commissioner, Chennai Corporation for the rehabilitation and improvement of the basic needs of the Government Schools in the said Corporation under necessary acknowledgment, without prejudice to his defence before the trial court and 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 petitioner;

(b) the petitioners shall also deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) through demand draft drawn in favour of the Director, Adyar Cancer Institute (WIA), W Canal Bank Road, Gandhi Nagar, Adyar, Chennai - 600 020. The challan/ receipt of such payment shall be produced at the time of executing the bond.

(c) the petitioners and 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 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]*; and;

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

-sd/-  
16/08/2021

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-II,  
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR [FOR INFORMATION]

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

4 THE COMMISSIONER,  
CHENNAI CORPORATION.

5 THE DIRECTOR,  
ADYAR CANCER INSTITUTE (WIA),  
W CANAL BANK ROAD, GANDHI NAGAR,  
ADYAR, CHENNAI-600 020.

6 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M.I.JAVID AKBAR Advocate on payment of necessary charges

CRL OP.14354/2021

Date :16/08/2021

CSK 25/08/2021