



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14340 of 2021

J.RAMAJAYAM

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMIL NADU,
THE INSPECTOR OF OLICE,
M-4, REDHILLS POLICE STATION,
CHENNAI-600 054.
(CR NO.1499/2021)

[RESPONDENT]

For Petitioner : M/S.B.KALAIARASAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

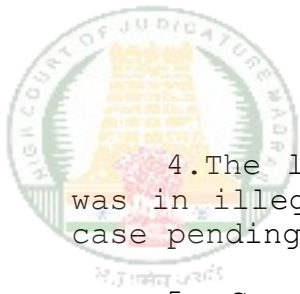
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 24(1) of the Cigarettes and other Tobacco Products Act 2003 and 328 of IPC in Cr.No.1499 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of banned tobacco products and the same was seized by the respondent police and registered a case against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner submit that the petitioner is innocent and he has not been committed any offence as alleged by the prosecution and However, the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.25,000/- for the purpose of improving and maintaining the Government Schools. and hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate submitted that the petitioner was in illegal possession of banned tobacco and there is no previous case pending against him and the investigation is almost completed.

5. Considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner 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 of this order, before the learned Judicial Magistrate, Madhavaram, Chennai, 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 shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five thousand only) to the credit of the Chief Educational Officer, Thiruvallur District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(b) 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 further orders;

(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.

7. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred 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/-

13/08/2021

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,
MADHAVARAM, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
M-4, REDHILLS POLICE STATION,
CHENNAI-600 054

4 THE CHIEF EDUCATIONAL OFFICER,
THIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.KALAIARASAN Advocate on payment of necessary charges

CRL OP.14340/2021

Date :13/08/2021

CSK 25/08/2021