



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16131 of 2021

1 GOPAL SINGH
2 AMAR SINGH

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR.
(CRIME NO.1144/2021)

[RESPONDENT]

For Petitioner : M/S. T.ELUMALAI 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 apprehends arrest at the hands of the respondent police for the alleged offence under Sections 20(2) of Cigarette and other Tobacco products Acts, 2003 and 328 of IPC, in Crime No.1144 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. This is the second anticipatory bail application filed before this Court as the previous anticipatory bail application was dismissed as withdrawn in *Cr1.OP.No. 13347 of 2021*. The case of the prosecution is that the petitioners were found to be selling and distributing tobacco products. Hence, the complaint.

3. The learned Counsel appearing for the petitioners submits that the petitioners are A5 and A6. A5 has already been arrested and A6 is not yet arrested. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that earlier, the petitioner filed the anticipatory bail application



before this Court in *Crl.O.P.No.1347 of 2021* and the same was dismissed as withdrawn. Hence, the present petition has been filed. However, on instructions, the learned counsel further submitted that the petitioner, without prejudice his rights, on his own volition, is ready and willing to deposit a sum of Rs.15,000/- for the purpose of improving and maintaining the Government Schools.

4.The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case that petitioners were found to be selling and distributing tobacco products, this Court is inclined to grant anticipatory bail to the petitioner A6 alone.

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 No.1, Perambalur, 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)if the petitioner 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) the petitioner shall make a non-refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Chief Educational Officer, Permbalur District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, without prejudice to their 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 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., for a period of two weeks and thereafter as and when required for interrogation.

(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.

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 utilizing the money as ordered by this Court.

-sd/-
06/09/2021

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.I,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR.



4 THE CHIEF EDUCATIONAL OFFICER,
PERAMBALUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. T.ELUMALAI Advocate on payment of necessary
charges SR.NO.9579

CRL OP.16131/2021

Date :06/09/2021

CSK 21/09/2021