



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of August Two Thousand Twenty One
PRESENT

WEB COPY

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.15234 of 2021

1 BABU @ SIVAKUMAR
2 SOUNDARA PANDIYAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DESUR POLICE STATION,
DESUR,
TIRUVANNAMALAI DISTRICT.

[RESPONDENT]

For Petitioner : M/S. B.JAWAHAR Advocate

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)

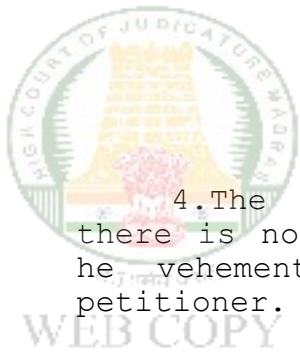
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 273, 328 of IPC r/w Section 24(1) of Cigarette and Other Tobacco Products Act 2003, in Crime No.258 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners/A2 & A3 along with A1 were found in illegal possession of 2500 pockets of banned Tobacco products worth about Rs.50,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioners, without prejudice their rights, on their own volition, are ready and willing to contribute a sum of Rs.25,000/- for the purpose of improving and maintaining the Government Schools.



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

5.Considering facts and circumstances of the case and also the fact that there is no previous case pending as 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, Arani, on condition that the petitioners shall execute a separate 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 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) the petitioners shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Chief Educational Officer, Thiruvannamalai 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;

(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 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 utilising the money as ordered by this Court.

-sd/-
25/08/2021

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,
ARANI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DESUR POLICE STATION,
DESUR, TIRUVANNAMALAI DISTRICT.



5 THE CHIEF EDUCATIONAL OFFICER
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S. B.JAWAHAR
charges SR.NO.9071

Advocate on payment of necessary

CRL OP.15234/2021

Date :25/08/2021

RW 31/08/2021