



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15723 of 2021

A.ELAVARASAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
TITTAGUDI POLICE STATION,
CUDDALORE DISTRICT.
(CRIME NO.234/2021)

[RESPONDENT]

For Petitioner : M/S.D.MUTHUSELVAM 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 case has been heard through video conference)

The petitioner, who apprehend arrest for the alleged offence punishable under Sections 273, 328 of IPC r/w Section 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulating of Trade and Commerce, Production , Supply and Distribution) Act, 2003 in Crime No.234 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the respondent police was on regular checkup they found that the petitioner was in illegal possession 65kgs of various brands of tobacco products viz., Hans-Tobacco-50kgs, Cool Lips Filter Tobacco 5kgs Vimal Panmasala 5 kgs, V-1 Tobacco 5.00kgs. Hence the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions he further submits that without prejudice to his defence and contentions, the petitioner on his own volition, is willing to contribute a sum of Rs.25,000/- for the purpose of improving and maintaining the Government Schools. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) opposed for granting of anticipatory bail by stating that the petitioner was in illegal possession 65kgs of various brands of tobacco products.

5. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner has willfully and on his own volition agreed to pay contribute a sum of Rs.25,000/- for charitable purpose, 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, Tittagudi, Cuddalore District 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.25,000/- to the credit of " The Chief Educational Officer, Cuddalore District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment without prejudice to their 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 ;

(c) the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

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

(f) the petitioner 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.

6. 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/-

01/09/2021

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,
TITTAGUDI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TITTAGUDI POLICE STATION,
CUDDALORE DISTRICT.

4 THE CHIEF EDUCATIONAL OFFICER,
CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.D.MUTHUSELVAM Advocate on payment of necessary charges SR.NO.9378

CRL OP.15723/2021

Date :01/09/2021

CSK 23/09/2021