



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Seventh day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16211 of 2021

SIVAN @ SIVA

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
SATHYAMANGALAM POLICE STATION,  
ERODE DISTRICT.  
(CRIME NO.433/2021)

[ RESPONDENT ]

For Petitioner : M/S M.VINOTH Advocate

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

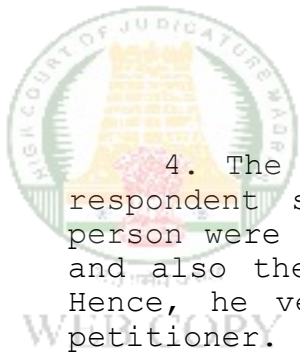
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Sections 328 of IPC r/w 7 and 20(i) of COPTA Act-2003 and 52, 59 of Food Safety & Standards Act-2006 in Cr.No.433 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 were found in possession of 38 Kgs of banned tobacco products and the same was seized by the respondent police. Hence the law enforcing agency registered the case against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. On instruction, he would further submit that without prejudice to his rights on his own volition is ready to deposit Rs.50,000/- in favour of the Chief Educational Officer, Erode for the rehabilitation and maintenance of basic needs in the Government Schools. Hence, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused person were found in possession of 38 Kgs. of banned tobacco products and also there is one previous case pending against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 Court, Sathyamangalam, 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:

(b) 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;

(c) the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the Chief Educational Officer, Erode for the rehabilitation and maintenance of basic needs in the Government Schools without prejudice to his defense before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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.

7. 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 utilizing the money as ordered by this Court

-sd/-  
07/09/2021

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,  
SATHYAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
ERODE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
SATHYAMANGALAM POLICE STATION,  
ERODE DISTRICT .

4 THE CHIEF EDUCATION OFFICER,  
ERODE DISTRICT.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S M.VINOTH Advocate on payment of necessary charges  
SR.NO.9671

CRL OP.16211/2021

Date :07/09/2021

CSK 21/09/2021