



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

Monday, the Thirteenth day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.16649 of 2021

T.SENTHILKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
B-4, ANNADANAPATTY POLICE STATION,
SALEM.
CR.NO.522 OF 2021.

[RESPONDENT]

For Petitioner : M/S. T.K.SATHIASEELAN 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 Section 77 The Juvenile Justice (Care and Protection of Children) Act, 2015 r/w 6 and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Cr.No.522 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had illegally transported 7,300 kg of banned tobacco products and the same was seized by the respondent police.

3.The learned counsel appearing for the petitioner submits that this Court had enlarged the co-accused on bail in Crl.O.P.No.15397 of 2021 dated 26.08.2021. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.1,00,000/- to the Adyar Cancer Hospital and Research Institute, Adyar, Chennai and Rs.3,50,000/- to the credit of the Chief Educational Office, Kallakurichi District and Rs.3,50,000/- to the credit of the Chief Educational Officer, Salem District for the purpose of improvement of the Government Schools.



4.The learned Government Advocate (Crl.Side) submitted that petitioner has illegally transported 7,300 kg of banned tobacco products. He further submitted that this Court dismissed the earlier anticipatory bail application filed by the petitioner and this is the second anticipatory bail petition. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Considering facts and circumstances of the case and the co-accused had enlarged on bail, this Court 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 -IV, Salem, 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.1,00,000/- (Rupees One Lakh Only) to the Adyar Cancer Hospital and Research Institute, Adyar, Chennai and Rs.3,50,000/- (Rupees Three Lakh Fifty Thousand Only) to the credit of the Chief Educational Office, Kallakurichi District and Rs.3,50,000/- (Rupees Three Lakh Fifty Thousand Only) to the credit of the Chief Educational Officer, Salem 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 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. 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/-
13/09/2021

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 -IV,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ANNADANAPATTY POLICE STATION,
SALEM.



4 THE ADYAR CANCER HOSPITAL AND RESEARCH INSTITUTE,
ADYAR, CHENNAI.

COPY TO

1 THE CHIEF EDUCATIONAL OFFICER,
KALLAKURICHI DISTRICT.

2 THE CHIEF EDUCATIONAL OFFICER,
SALEM DISTRICT.

+1 CC to M/S. T.K.SATHIASHEELAN Advocate on payment of necessary
charges SR.NO.9899

CRL OP.16649/2021

Date :13/09/2021

INBA 28/09/2021