



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

Thursday, the Sixteenth day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17030 of 2021

C.RAMESH

[PETITIONER / ACCUSED]

Vs

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

[RESPONDENT]

For Petitioner : M/S.T.K.SATHIASEELAN Advocate

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

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

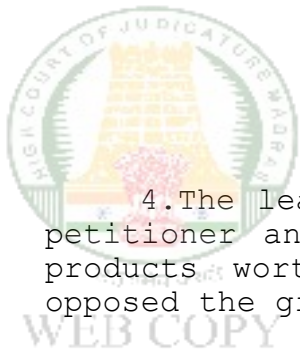
ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 77 The Juvenile Justice (Care and Protection of Children) Act, 2015 r/w Section 6 and 24(1) of the Cigarettes and Other Tobacco Products Act, 2003 in Crime No.522 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the lorry driver. Based on the compliant given by the defacto complainant, the respondent police seized the petitioner's vehicle, while carrying tobacco products in the said vehicle.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offences as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner did not aware that the bags are tobacco products in the said vehicle. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submitted that the petitioner and other accused were illegally transported the tobacco products worth about more than Rs.1 Crore. Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.

5. 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, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.5,00,000/- for any welfare activities as may be ordered by this Court. In fact, learned counsel for the petitioner submits that a sum of Rs.1,00,000/- be given to " The Director, Cancer Institute (WIA), Adayar for treating Cancer patients; another sum of Rs.2,00,000/- be given in favour of The Chief Educational Officer, Salem District, for the rehabilitation and improvement of the basic needs of the Government Schools in the concerned District and the balance sum of Rs.2,00,000/- may be given in favour of The Chief Educational Officer, Salem District, for the rehabilitation and improvement of the basic needs of the Government Schools in the concerned District .

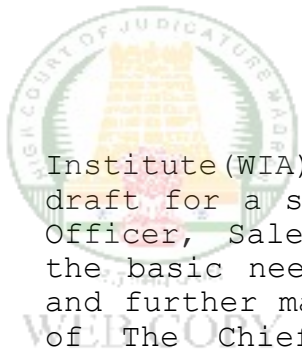
6. The learned Government Advocate (Crl.Side) vehemently opposed the grant of anticipatory bail by stating that the petitioner was in possession of 7 tonnes of tobacco products. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

7. In view of the the fact that the petitioner, on his own volition is ready and willing to contribute a sum of Rs.5,00,000/- for the purpose of welfare activities, this Court is inclined to grant anticipatory bail to the petitioner.

8. 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 each of the petitioner shall execute a bonds for a sum of Rs.10,000/- (Rupees Ten thousand Only) each , 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) as undertaken by the petitioner on his own volition, the petitioner shall make a non refundable deposit of Rs.1,00,000/- through demand draft in favour of The Director, Cancer



Institute(WIA), Adayar for treating Cancer patients; another demand draft for a sum of Rs.2,00,000/- in favour of The Chief Educational Officer, Salem District, for the rehabilitation and improvement of the basic needs of the Government Schools in the concerned District and further make a non-refundable deposit of Rs.2,00,000/- in favour of The Chief Educational Officer, Villupuram District, for the rehabilitation and improvement of the basic needs of the Government Schools in the concerned District. The above contribution is made without prejudice to his defence before the trial court and the petitioners shall 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 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;

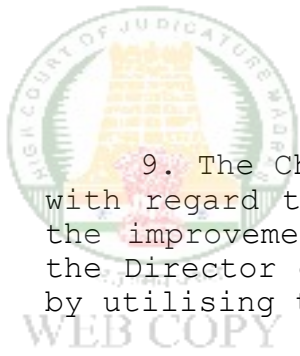
(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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.



9. 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/-
16/09/2021

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,
B-4, ANNADANAPATTY POLICE STATION,
SALEM.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE DIRECTOR,
CANCER INSTITUTE (WIA) ,
ADAYAR.

6 THE CHIEF EDUCATIONAL OFFICER,
SALEM DISTRICT.

7 THE CHIEF EDUCATIONAL OFFICER,
VILUPPURAM DISTRICT.

+1 CC to M/S.T.K.SATHIASEELAN Advocate on payment of necessary charges SR.NO.10280

CRL OP.17030/2021

Date :16/09/2021

INBA 28/09/2021