



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.18526,18529 & 18546 of 2021

V.SURENTHAR

[PETITIONER / ACCUSED
IN ALL THE PETITIONS]

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
CENTRAL POLICE STATION,
TIRUPPUR.
CRIME NOS.1067,1069 & 1068/2021.

[RESPONDENT
IN ALL THE PETITIONS]

For Petitioners : M/S. J.KINGSLY SOLOMON Advocate
[IN ALL THE PETITIONS]

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)
[IN ALL THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 328 r/w 284 of IPC and Section 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 in Crime Nos.1067, 1069 and 1068 of 2021 respectively on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner viz., V.Surenthar in Crl.O.P.Nos.18526, 18529 and 18546 of 2021 was found in illegal possession of banned tobacco products. Hence the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner was running a Provision Store at Royapuram, Tiruppur for the past 15 years and on 09.07.2021, one Murugesan has purchased 5 pockets of Hans from his shop. While chewing the said Hans, the defacto complainant felt dizzy and left home and lodged a complaint against the petitioner. Regarding the same, the petitioner filed a anticipatory bail petition before this Court in Crl.O.P.No.12320 of 2021 and vide order dated 16.07.2021 this Court granted anticipatory bail to the petitioner, following which, the respondent police unnecessarily roped the petitioner into the above three Criminal cases. 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.50,000/- for the purpose of improving and maintaining the Government Schools. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) opposed for granting of anticipatory bail by stating that petitioner was found in illegal possession of banned tobacco products He further submitted that there are 5 previous cases pending against the petitioner.

5. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner on his own volition has agreed to contribute a sum of Rs.50,000/- 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 -I, Alangulam, Tirunelveli 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.50,000/- to the credit of " The Chief Educational Officer, Thirunelveli District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment without prejudice to his 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 learned Judicial Magistrate-I, Alangulam, Tirunelveli District, 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/-

07/10/2021

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,
NO.I, ALANGULAM, TIRUNELVELI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT. [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL POLICE STATION,
TIRUPPUR.

5 THE CHIEF EDUCATIONAL OFFICER,
TIRUNELVELI DISTRICT.

+3 CC to M/S. J.KINGSLY SOLOMON Advocate on payment of necessary
charges SR.NOs.11212,11211 & 11210

CRL OP Nos.18526,18529 & 18546/2021

Date :07/10/2021

RW 26/10/2021