



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19550 of 2021

SUDALAI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
AMARAVATHI POLICE STATION,
TIRUPPUR DISTRICT.
(CRIME NO.299/2021)

[RESPONDENT]

For Petitioner : M/S.N.UMAPATHI Advocate

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)

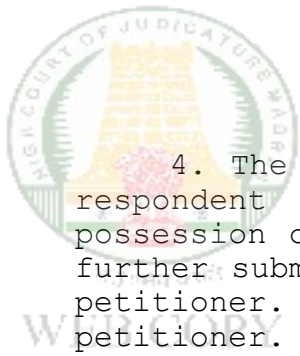
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Section 328 of IPC, r/w 5 and 22(a) of the Cigarettes and Tobacco Products Prohibition of Advertisement and regulation of trade and commerce Production of supply and Distribution Act in Cr.No.299 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products of worth about Rs.20,568/- and the same was seized by the respondent police.

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 further submitted that the petitioner without prejudice to his defence and contentions, on his own volition is ready to deposit Rs.5,000/- for the purpose of rehabilitation and maintenance of basic needs of the Government schools. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner was found in illegal possession of banned tobacco products of worth about Rs.20,568/-. He further submitted that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and the fact that the petitioner has no previous case, this Court is 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 No-I, Udumalpet**, 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) 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;

(b) the petitioner shall make a non-refundable deposit of **Rs.5,000/- (Rupees five Thousand only) to the credit of the Chief Educational Officer, Thuthukudi 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



(g) 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 Commissioner of School Education as and when such works are completed by utilizing the money as ordered by this Court

-sd/-
20/10/2021

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, UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMARAVATHI POLICE STATION,
TIRUPPUR DISTRICT.

5 THE CHIEF EDUCATIONAL OFFICER,
THUTHUKUDI DISTRICT.

+1 CC to M/S.N.UMAPATHI Advocate on payment of necessary charges SR.NO.11646

CRL OP.19550/2021

Date :20/10/2021

TA-28/10/2021