



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19961 of 2021

1 PALRAJ [PETITIONERS / ACCUSED]
2 KANNAN
3 THANARAJ @ DHANRAJ
4 ANTHONYRAJ SEKAR

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MINJUR POLICE STATION,
CHENNAI.
CRIME NO.635 OF 2021.

For Petitioner : M/S. P.UDHAYAKUMAR Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence U/s. 294(b), 353, 328 of IPC r/w sections 7 and 20(2) of Cigarette and Other Tobacco Products Act 2003, in Crime No.635 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused were involved in transportation of banned tobacco products. Hence the Law Enforcing Agency registered a case against the petitioners.



3.The learned counsel appearing for the petitioners submits that the petitioners did not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, is ready and willing to contribute a sum of Rs.2,00,000/- for the purpose of improving and maintaining the Government Schools.

4.The learned Government Advocate (Crl.Side) submitted that petitioners were found in illegal transportation of banned Tobacco products and there is no previous cases are pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and there is no similar cases pending against the petitioner, this Court inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are 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 JM II Judicial Magistrate, Ponneri on condition that the petitioners 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.2,00,000/- (Rupees Two Lakhs only) to the credit of the "The Commissioner, Greater Chennai Corporation for the purpose of improving and maintaining the Corporation Schools under the control of Greater Chennai Corporation, Rippon Building, Chennai"., 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 utilizing the money as ordered by this Court.

-sd/-

26/10/2021

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.II, PONNERI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MINJUR POLICE STATION,
CHENNAI.



5 THE COMMISSIONER,
GREATER CHENNAI CORPORATION FOR THE PURPOSE
OF IMPROVING AND MAINTAINING THE
CORPORATION SCHOOLS UNDER THE CONTROL OF
GREATER CHENNAI CORPORATION,
RIPPON BUILDING, CHENNAI.

+2 CC to M/S. P.UDHAYAKUMAR Advocate on payment of necessary
charges SR.NO.11821

CRL OP.19961/2021

Date :26/10/2021

RW 12/11/2021