



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20596 of 2021

1. Nagarajan  
2. Gajendran

... Petitioners

Vs.

The State  
Rep by the Inspector of Police,  
Minjur Police Station,  
Chennai  
(Crime No.635 of 2021)

... Respondent

**PRAYER:** Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.635 of 2021 on the file of the respondent police.

For Petitioners : Mr.P.Udhayakumar

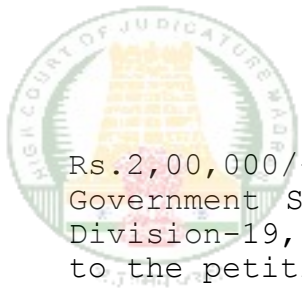
For Respondent : Mr.A.Gopinath  
Government Advocate (Crl side)

### ORDER

The petitioners, who were arrested on 11.10.2021 and remanded to judicial custody for the offences under Sections 294(b), 353, 328 of IPC and Section 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 bail.

2. The case of the prosecution is that when the respondent police was on regular raid, they found that the petitioners have possessed banned tobacco products and the same was brought from Karnataka to Tamilnadu for sale in Chennai and other places worth about Rs.30,25,000/-. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 11.10.2021. However, on instructions, the learned counsel further submits that the petitioners, without prejudice their rights, on their own volition, are ready to deposit an amount of



Rs.2,00,000/- for the purpose of improving and maintaining the Government School viz., Government Higher Secondary School, Maaatur, Division-19, Madhavaram, Chennai. Therefore, he prays to grant bail to the petitioners.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that petitioners have possessed banned tobacco products. He further submits that there is no previous cases against the first petitioner/A7 and there are four previous cases pending as against the second petitioner/A8 which are similar in nature. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Ponneri and on further condition that:

(a ) the 1<sup>st</sup> petitioner shall make a non-refundable deposit of Rs.50,000/- (Rupees Fifty thousand only) and the 2<sup>nd</sup> petitioner shall make a non-refundable deposit of Rs.1,50,000/- to the credit of the Chief Educational Officer, Thiruvallur District for the rehabilitation and improvement of the basic needs of the Government Schools viz., Government Higher Secondary School, Maaatur, Division-19, Madhavaram 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 petitioners;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(e)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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. 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 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 utilising the money as ordered by this Court.

-sd/-

01/11/2021

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  
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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



6 THE CHIEF EDUCATIONAL OFFICER,  
THIRUVALLUR DISTRICT.

7 GOVERNMENT HIGHER SECONDARY SCHOOL,  
MAAATUR, DIVISION-19,  
MADHAVARAM, CHENNAI.

+2 CC to M/S.M.I.JAVID AKBAR Advocate on payment of necessary  
charges SR.NO.12243

CRL OP.20596/2021

Date :01/11/2021

RW 02/11/2021