



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24635 of 2021

G.Raja

... Petitioner

Versus

State Rep by
The Sub-Inspector of Police
Kurinjipadi Police Station,
Cuddalore District.
(Crime No.350 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.350 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/S.M.Subash Pandiyan

For Respondent : Mr. A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offence under Section 273, 328 of Indian Penal Code r/w Section 24(1) of Cigarette and other Tobacco Products Act 2003 in Cr.No.350 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 in his premises that worth about Rs.2,50,000/- and the same was seized by the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner herein is the brother-in-law of A1 and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the co-accused persons have been released on bail by the Court below. However, on instructions, the learned counsel furthermore submitted



that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.30,000/- for the purpose of improving and maintaining the Government Schools.

4. The learned Additional Public Prosecutor submitted that the petitioner along with the other accused person were involved in illegal transportation of banned tobacco products and there are no previous cases pending against the petitioner. He further submitted that the investigation has been completed.

5. Considering facts and circumstances of the case and there is no previous case pending against the petitioner, 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 Cum District Munsif, Kurinjipadi** 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.30,000/- (Rupees Thirty Thousand only)** to the credit of the Chief Educational Officer, Cuddalore 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 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 Commissioner of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-
17/12/2021

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,
CUM DISTRICT MUNSIF, KURINJIPADI,
CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
KURINJIPADI POLICE STATION,
CUDDALORE DISTRICT.



5 THE CHIEF EDUCATIONAL OFFICER,
CUDDALORE DISTRICT.

+1 CC to M/S.M.SUBASH PANDIYAN Advocate on payment of necessary
charges SR.NO.15122

CRL OP.24635/2021

Date :17/12/2021

TA-29/12/2021