

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13763 of 2020

DeepanRam

... Petitioner

Vs.

The of Tamil Nadu,
rep.by the Inspector of Police
Anupparpalayam Police Station
Tirupur District.
(Crime No.2975 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.2975 of 2020 on the file of the respondent police.

For Petitioner : Mr.Deepanuday

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)
[in Crl.OP.No.13763/2020]

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor
[in Crl.MP.No.5539/2020]

सत्यमेव जयते
O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 31.07.2020 for the offences punishable under Sections 284 and 328 of IPC and Section 24(1) of COTP, Act, in Crime No.2975 of 2020, seeks bail.

2. The case of the prosecution is that the respondent police on receiving information found the petitioner in possession of 30 Kgs of tobacco products which is worth about Rs.12,000/- and he was arrested. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instruction, he would further submit that taking into consideration the Covid-19 pandemic situation the petitioner without prejudice to his defence, is prepared to make considerable donation to any charitable Organization or Association, and that the petitioner has been suffering incarceration from 31.07.2020. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was found in illegal possession of 30 Kgs of tobacco products which is worth about Rs.12,000/-. He further submitted there is no previous cases against the petitioner. Hence, he vehemently opposes to grant bail to the petitioner.

5. In order to curb the illegal activities and taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioner shall be directed to make a payment/donation of a sum of Rs.10,000/- (Rupees Ten Thousand only) to "The Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai - 600 020 bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch" and on such payment and production of proof he shall be released on bail on him executing a own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall report before the respondent police every day at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

(c) thereafter on his release within a period of two weeks after lifting of lockdown or commencement of the Court's normal functioning whichever is earlier, shall surrender before the **(*)Judicial Magistrate No.III, Tiruppur** and furnish two sureties for a sum of Rs.10,000/-each failing which the bail granted by this Court shall stand dismissed automatically.

(d) Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

(e) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(f) the petitioner shall not commit any offences of similar nature;

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

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

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
04/09/2020

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.

(*) Amended as per order of this Court dated 17.09.2020 made in CrI.MP.No.5539/2020 in CrI.OP.No.13763/2020

TO

(*)1 THE JUDICIAL MAGISTRATE NO.III,
TIRUPPUR.

2 THE JUDICIAL MAGISTRATE COURT,
PARAMATHI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION,
TIRUPUR DISTRICT.

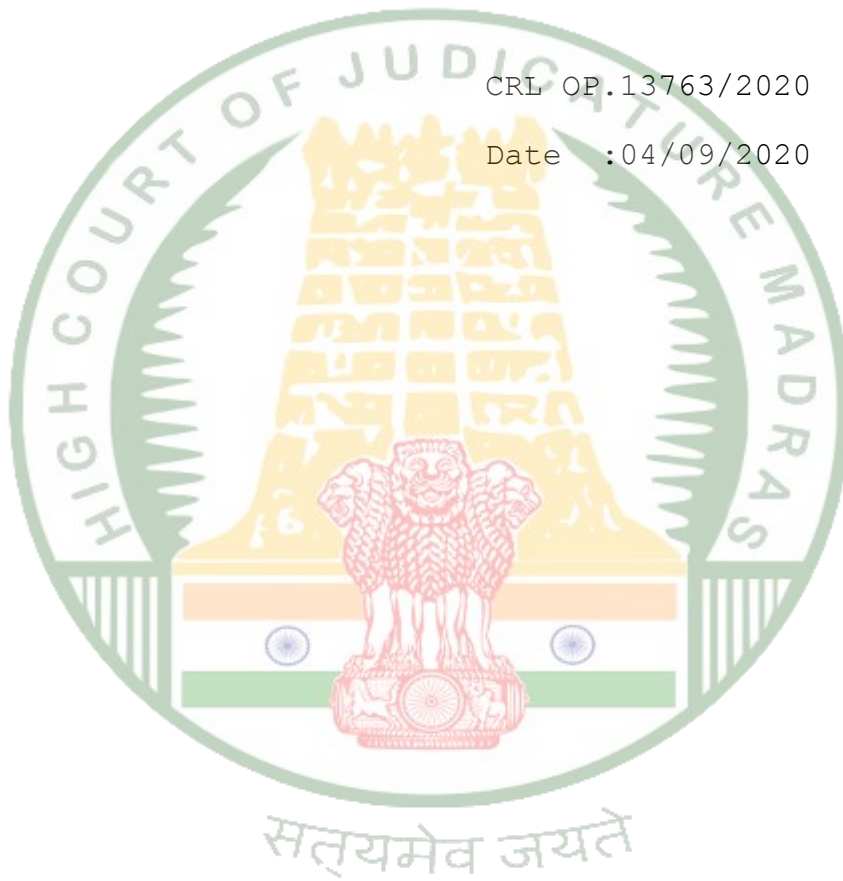
6 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI - 600 020
BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH

CC to M/S DEEPANUDAY Advocate on payment of necessary charges

CRL OP.13763/2020

Date :04/09/2020

cs 08/09/2020
cs 16/10/2020



WEB COPY