

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2020

CORAM :

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

Crl.O.P.No.14451 of 2020

1.MURUGADOSS
2.KOTHANDAPANI

... Petitioners

Vs.

The Inspector of Police
T-11, Thirunindravur Police Station,
Thirunindravur,
Thiruvallur District.
(Crime No.628 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with the case in Crime No.628 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Rajasekaran

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 27.08.2020 for the offences punishable under **Sections 353 and 307 IPC and Section 7 and 9 (ii) of Tamil Nadu Prohibition of Smoking and Spitting Act, in Crime No.628 of 2020**, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 26.08.2020 at 17 hours, when the respondent police on their routine patrol duty at the junction of the Nathamedu, noticed a van coming in a speedy manner making threat to the police and they prevented using barricade, when they stopped the vehicle for inspection, it was found that the petitioners were illegally in possession of Hans pocket and they have also seized 64.5 Kg of Hans pocket, 72.5 Kg. Coolip pocket of tobacco, 6.7 kg. of V.T.Tobacco and 35 Kg. Of Vimal Pan Masala, worth to the tune of Rs.1,91,923/- .

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. On instructions, he would further submit that without prejudice to his defence, the petitioners are prepared to deposit some considerable amount to any charitable Organization or Association. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners were illegally found in possession 64.5 Kg of Hans pocket, 72.5 Kg. Coolip pocket of tobacco, 6.7 kg. Of V.T. Tobacco and 35 Kg. Of Vimal Pan Masala, worth to the tune of Rs.1,91,923/-. He would further submit that the 1st petitioner has got one previous case to his credit and the 2nd petitioner has no previous cases against him. Hence, he vehemently opposes for the grant of bail to the petitioners.

5. Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and also the fact the petitioners are in custody from 27.08.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) The 1st petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) and the 2nd petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit through RTGS/NEFT to the **Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch**, within fifteen (15) days from the date of receipt of a copy of this order and on such deposit and production of proof and also on condition to execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners shall **within a period of two weeks from the date of the commencement of the Court's normal functioning, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate No.II, Thiruvallur, failing which the bail granted by this Court shall stand dismissed automatically;

(c) Merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

(d) 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;

(e) the petitioners on their release from prison shall report before the respondent police daily at 10.30 a.m., until further orders;

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

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

(h) the petitioners 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 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];

(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.

सत्यमेव जयते

-sd/-

21/09/2020

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.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
THIRUVALLUR

2 THE SUPERINTENDENT,
CENTRAL PRISON,PUZHAL

3 THE PUBLIC PROSECUTOR
HIGH COURT,MADRAS.

4 THE INSPECTOR OF POLICE
T-11,THIRUNINDRAVUR POLICE STATION,
THIRUNINDRAVUR,THIRUVALLUR DISTRICT.

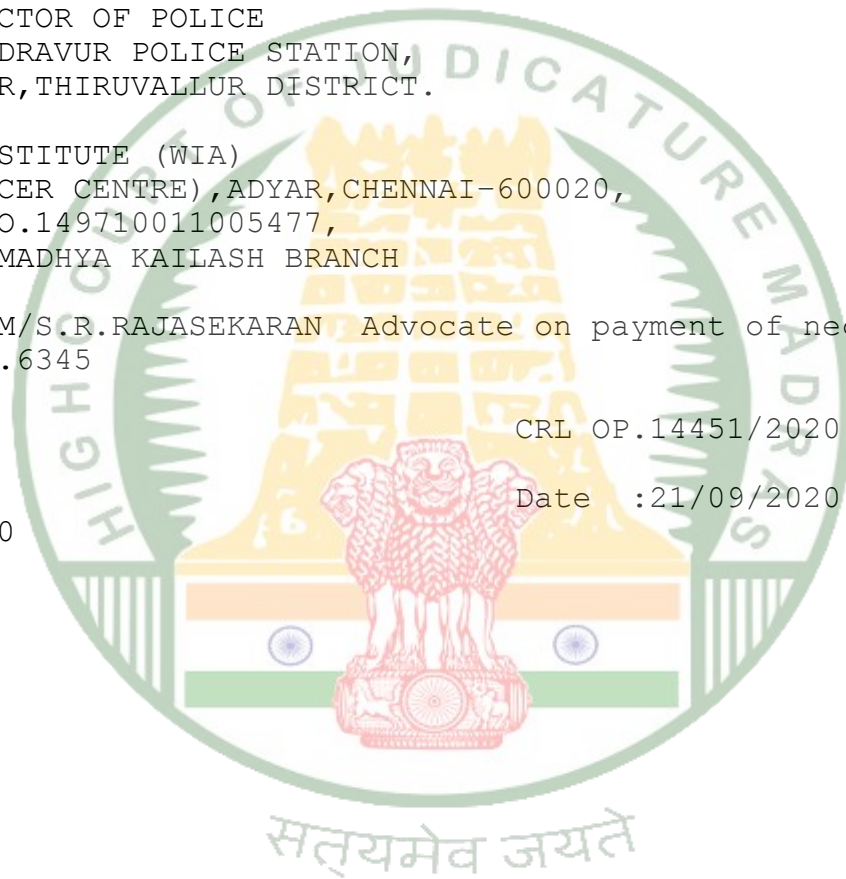
5 CANCER INSTITUTE (WIA)
(REGIONAL CANCER CENTRE),ADYAR,CHENNAI-600020,
BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH

+1 CC to M/S.R.RAJASEKARAN Advocate on payment of necessary
charges SR.NO.6345

CRL OP.14451/2020

Date :21/09/2020

GKS:23/09/2020



WEB COPY