

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.7871 of 2021

1.Mugansingh
2.Sanjaysingh
3.Ashok Singh

... Petitioners

Vs.

State rep. by
Station House Officer,
Chidambaram Town Police Station,
Cuddalore District.
Crime No.365 of 2021

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in Crime No.365 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Venkatesan

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

The petitioners who were arrested and remanded to judicial custody on 29.03.2021 for the offence under Sections 294(b), 353, 273, 228 and 307 I.P.C. r/w. 77 of Juvenile Justice Act, 2015, 20(2) COTA, 2003 in Crime No.365 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the petitioners along with the other accused are found to be in possession of 1100 Kgs. of banned tobacco.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioners are ready to deposit a sum of Rs.2,50,000/- to the Dean, Rajiv Gandhi Government General Hospital, Chennai, to enable the Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients.

4.The learned Additional Public Prosecutor submitted that there is no previous case pending as against the petitioners.

5.Considering the fact that the petitioners are ready to deposit a sum of Rs.2,50,000/- to the Dean, Rajiv Gandhi Government General Hospital, Chennai for the purpose of treating the COVID-19 patients, I am inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Chidambaram and on further condition that:

(a)the petitioners shall deposit a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand Only) through demand draft drawn in favour of the Dean, Rajiv Gandhi Government General Hospital, GH Post Office, 3, Poonamallee High Road, Near Chennai Central, Near Park Town, Chennai - 600 003, to enable the Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients, within a period of two weeks. The challan/receipt of such payment shall be produced at the time of executing the bond.

(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.

-sd/-

27/04/2021

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, CHIDAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 STATION HOUSE OFFICER,
CHIDAMBARAM TOWN POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

6 THE DEAN, RAJIV GANDHI
GOVERNMENT GENERAL HOSPITAL,
GH POST OFFICER, 3, POONAMALLEE HIGH ROAD,
NEAR CHENNAI CENTRAL, NEAR PART TOWN,
CHENNAI - 600 003.

CC to M/S.R.THAMARAISELVAN Advocate on payment of necessary
charges Sr.5344

CRL OP.7871/2021

Date :27/04/2021

RVR 27/04/2021