

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11202 of 2021

Vinoth Mali

... Petitioner

Vs.

State: Inspector of Police,
Sipcot Police Station,
Krishnagiri District.
(Crime No.202 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to release the petitioner on bail pending investigation in Crime No.202 of 2021 on the file of the respondent.

For Petitioner : Mr.M.P.Saravanan

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

O R D E R

The petitioner who was arrested and remanded to judicial custody on 18.06.2021 for the offence under Section 328 of I.P.C. r/w Sections 7 and 20(1) of COTPA Act, 2003 and Sections 52, 59 of Food Safety and Standards Act, 2006 in Cr.No.202 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner is alleged to have been found in possession of 225 Kgs of tobacco products.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case. The learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.25,000/- to the Chief Educational Officer, Krishnagiri District.

4.The learned counsel appearing for the petitioner further submitted that the petitioner is now confined in Sub-Jail, Krishnagiri, however, in the petition it is mentioned as Central Prison, Salem and prayed for appropriate orders.

5.The learned Government Advocate (Crl. Side) submitted that there is no previous case as against the petitioner.

6.Considering the fact that there is no previous case as against the petitioner, I am inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail on the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) before the Superintendent of Sub-Jail, Krishnagiri (on consideration of the request made by the learned counsel appearing for the petitioner), in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) within a period of four weeks after the release, 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 learned Judicial Magistrate-II, Hosur;

(c) in case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four weeks therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated;

(d)The petitioner shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of the Chief Educational Officer, Krishnagiri District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment, without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/ acknowledgment shall accept the sureties furnished by the petitioner.

(e)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;

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

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

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

(i)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;

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

8.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 Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

30/06/2021

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, HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI

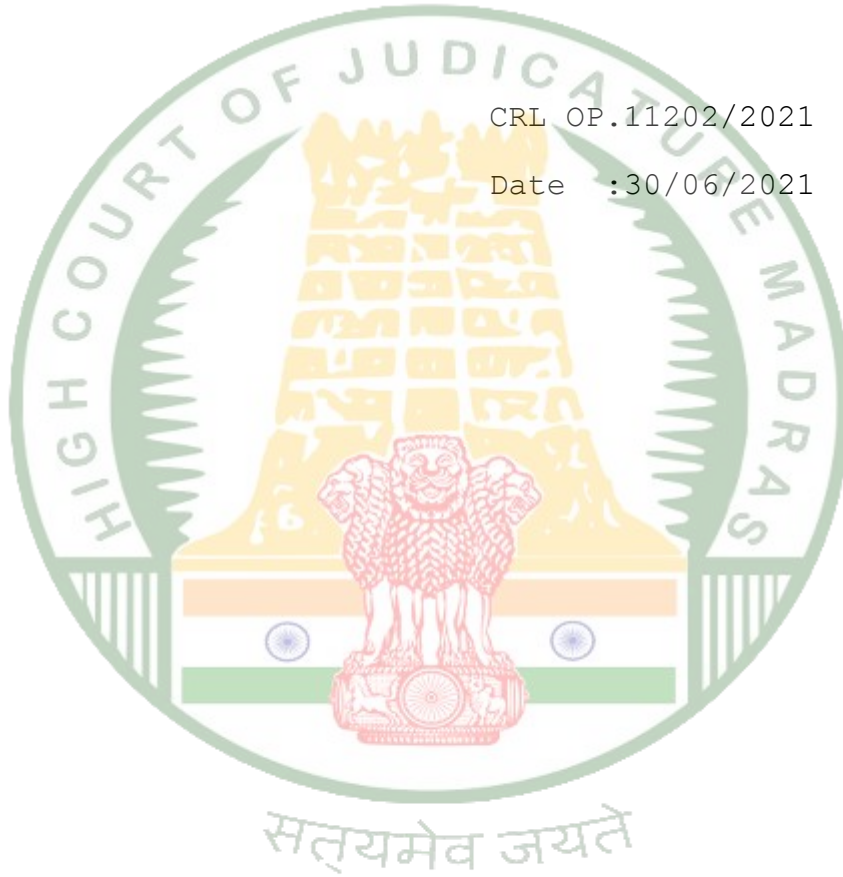
7 THE CHIEF EDUCATIONAL OFFICER
KRISHNAGIRI DISTRICT.

CC to M/S M.P.SARAVANAN Advocate on payment of necessary
charges

CRL OP.11202/2021

Date :30/06/2021

RVR 01/07/2021



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