

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11372 of 2021

Sirubalan

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
Virudhachalam Police Station,
Cuddalore - District.
(Crime No.519 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the Petitioner on bail in connection with the Crime No. 519 of 2021 pending investigation on the file of respondent Police.

For Petitioner : Mr.T.Meganathan

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

ORDER

The petitioner who was arrested on 16.06.2021 and remanded to judicial custody for the offences under Sections 273, 328 of IPC r/w 24 (1) of Cigarette and other Tobacco Product (COTPA) Act 2003 in Cr.No.519 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 2400 Hans packets. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 16.06.2021. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.25,000/- for the purpose of improving and maintaining the Government Schools. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that there is no previous case pending as against the petitioner.

5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending as against the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to 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 the Central Jail, Cuddalore District, 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 Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Viruddhachalam, Cuddalore District.

(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 week 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, Viruddhachalam, Cuddalore District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, after completion of work proof may be filed before the Director of School Education,** 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/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.

-sd/-
02/07/2021

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.I
VIRUDDHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CUDDALORE CENTRAL JAIL,
CUDDALORE DISTRICT.

6 THE CHIEF EDUCATIONAL OFFICER,
VIRUDDHACHALAM,
CUDDALORE DISTRICT.

CC to M/S.T.MEGANATHAN Advocate on payment of necessary charges

CRL OP.11372/2021

Date :02/07/2021