



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12409 of 2021

1. Posaram
2. Asharam

... Petitioners

Vs.

The State Represent by
The Inspector of Police,
Dharapuram Police Station,
Crime No.978 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in connection with the case in Cr.No.978 of 2021 pending investigation on the file of the respondent Police.

For Petitioners : Mr.S.Arivazhagan

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

ORDER

The petitioners, who were arrested on 24.06.2021 and remanded to judicial custody for the offence under Section 273, 328 of IPC and Section 7(1) and 20(2) of Cigarette and other Tobacco Products Act 2013 in Cr.No.978 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in possession of 167 Kgs. of tobacco products and the same was seized by the respondent police and registered a case against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 24.06.2021. However, 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 petitioners.



4. The learned Government Advocate (Crl.Side) submitted that the petitioners were found in illegal possession of prohibited tobacco products and there is no previous case pending against them.

5. Considering the period of incarceration suffered by the petitioners and also the present COVID-19 pandemic situation and there is no previous case pending against them, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) the petitioners shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Chief Educational Officer, Thiruppur District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, 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/acknowledgement, shall accept the sureties furnished by the petitioner;

(b) the petitioners shall execute individual bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jailer, District Jail, Tiruppur District in which the petitioners are confined and on such execution the petitioners shall be released from prison;

(C) Within a period of four weeks after the release, the petitioners shall execute individual bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Tiruppur Court, for Exclusively trial of cases under IPC and Cigarette and Other Tobacco Products Act 2003, Tiruppur;.

(d) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioners are 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.

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



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

(h) the petitioners 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 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;

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

7. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred 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/-

19/07/2021

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 PRINCIPAL SESSIONS JUDGE,
THIRUPPUR COURT, FOR EXCLUSIVELY TRIAL OF
CASES UNDER IPC AND CIGARETTE AND OTHER
TOBACCO PRODUCTS ACT 2003, TIRUPPUR

2 THE CHIEF EDUCATIONAL OFFICER
TIRUPPUR DISTRICT.

3 INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
DHARAPURAM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE OFFICER INCHARGE,
DISTRICT JAIL, TIRUPPUR

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

CRL OP.12409/2021

Date :19/07/2021

RVR 20/07/2021