



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.13362 of 2021

1.Modhilal

(*)2.Chetaram Mali

.. Petitioners

Vs.

The State Rep. By
The Inspector of Police,
Karumathampatti Police Station,
Coimbatore District.
Cr.No.407 of 2021.

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioners on bail concerned in Crime No.407 of 2021 on the file of the respondent.

For Petitioners : Mr.C.Ramkumar

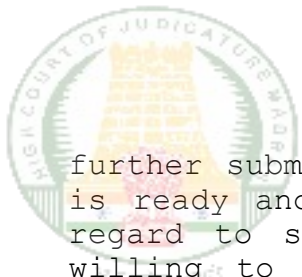
For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)

ORDER

The petitioners who were arrested on 18.07.2021 and remanded to judicial custody for the offences under Sections 7(1), 20(2) of Cigarette and other Tobacco Products Act, 2003 and 328 of I.P.C in Crime No.407 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 1.25 tonnes of Chewable Tobacco and Tobacco Powder coated bettle nut. Hence, the law enforcing agency 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 he has been falsely implicated in this case and the petitioner have been in jail from 18.07.2021. However, on instructions, the learned counsel



further submitted that the first petitioner/A1, on his own volition, is ready and willing to contribute a sum of Rs.1,00,000/- and with regard to second petitioner/A2 on his own volition, is ready and willing to contribute a sum of Rs.50,000/- 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) appearing for the respondent submits that there are two previous case with regard to A1/first petitioner and one previous case with regard to A2/second petitioner. However, he vehemently opposed for grant of bail to the petitioners.

5. Considering the period of incarceration suffered by the petitioners and there are previous cases pending as against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court, Sulur. and on further condition that:

(a) the first petitioner/A1 shall make a non-refundable deposit of a sum of Rs.1,00,000/- (One lakh only) and the second petitioner/A2 deposit of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Chief Educational Officer, Coimbatore 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 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.

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/-
02/08/2021

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.

(*) Amended as per order of this court dated 24.08.2021 made in Cr1.MP.No.8234/2021 in Cr1.O.P.No.13362/2021

TO

1 THE JUDICIAL MAGISTRATE COURT,
SULUR.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE INSPECTOR OF POLICE,
KARUMATHAMPATTI POLICE STATION,
COIMBATORE DISTRICT.

6 THE CHIEF EDUCATIONAL OFFICER,
COIMBATORE DISTRICT.

+1 CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges
SR.No.9102

CRL OP.13362/2021

Date :02/08/2021

cs 03/08/2021
APN 16/09/2021