WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13798 of 2021

Muthu ... Petitioner

Vs.

State rep by
The Inspector of Police,
Attur Town Police Station,
Salem District
(Crime No.354 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 Crime No.354 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.E. Kannadasan

For Respondent : Mr.C.E. Pratap
Government Advocate (Crl side)

ORDER

The petitioner who was arrested on 23.07.2021 and remanded to judicial custody for the offences under Sections 328 of I.P.C, 1860 r/w Sections 7, 9(2) of the Cigarette and other Tobacco Products Act, 2003 in Crime No.354 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 78 kg of Hans and 19 kgs of Vimal Kuthka which is a banned tobacco product. 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 23.07.2021. 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.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending as against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 No.I, Attur and on further condition that:

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

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

(e)the petitioner 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 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;

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

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

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/-
06/08/2021

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, ATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
ATTUR TOWN POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT PRISON, ATTUR

6 THE CHIEF EDUCATIONAL OFFICER
SALEM DISTRICT

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges Sr.8232

CRL OP.13798/2021

Date :06/08/2021

RVR 09/08/2021

https://hcservices.ecourts.gov.in/hcservices/