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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.14001 of 2021

Murugesan

...Petitioner

Versus

State represented by
The Inspector of Police,
B-1 Dharmapuri Police Station,
Dharmapuri District.
(Crime No.975 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of apprehending arrest in the Crime No.975 of 2021 on the file of the respondent.

For Petitioner : Mr.M.Jayachandran

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

ORDER

The petitioner, who was arrested on 23.07.2021 and remanded to judicial custody for the offences under Section 328 IPC and r/w 6(a) 24(i) of Cigarette and other Tobacco Products Act in Cr.No.975 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was in illegal possession of 20 packets of tobacco products (each containing 10 grams) and the same was seized by the respondent Police and registered a 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. Therefore, he prays to grant bail to the petitioner. However, the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- for the purpose of improving and maintaining the Government Schools.



4. The learned Government Advocate (Crl.Side) submitted that the petitioner was in illegal possession of tobacco products and there are no previous cases pending against him and the investigation is almost completed.

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5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and based on the undertaking given by the petitioner to contribute an amount, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-No.I, Dharmapuri;

(b) the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Chief Educational Officer, Dharmapuri 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;

(c) 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;

(d) the petitioner is directed to appear before the respondent police daily morning at 10.30 am until further orders;

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

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

(g) 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;

(h) 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/-

17/08/2021

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,
DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, DHARMAPURI.

4 THE INSPECTOR OF POLICE
B-1, DHARMAPURI POLICE STATION,
DHARMAPURI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE CHIEF EDUCATIONAL OFFICER.
DHARMAPURI DISTRICT.

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

CRL OP.14001/2021

Date :17/08/2021

APN 18/08/2021