



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.14693 of 2021

1.Narayan Lal
2.Ajbaram

...Petitioners

Versus

State represented by
The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore 641 035.
(Crime No.543 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of apprehending arrest in the Crime No.543 of 2021 on the file of the respondent.

For Petitioners : Mr.T.Balaji

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

O R D E R

The petitioners, who were arrested on 23.07.2021 and remanded to judicial custody for the offences under Section 7(i), 20(ii) of Cigarette and other Tobacco Products Act r/w 273, 328 IPC in Cr.No.543 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were in illegal possession of tobacco products and the same was seized by the respondent Police and registered a complaint.

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 23.07.2021. Therefore, he prays to grant bail to the petitioners. However, the petitioners, on their own volition, is ready and willing to contribute a sum of Rs.1,00,000/- for the purpose of improving and maintaining the Government Schools.

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



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

(a) Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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.II, Coimbatore;

(b) the petitioners shall make a non-refundable deposit of Rs.1,00,000/- (Rupees One Lakh 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;

(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 petitioners are directed to appear before the respondent police daily morning at 10.30 am until further orders;

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

(f) the petitioners 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.II,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
KOVILPALAYAM POLICE STATION,
COIMBATORE 641 035.

4 THE OFFICER INCHARGE,
SUB JAIL, AVINASHI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE CHIEF EDUCATIONAL OFFICER,
COIMBATORE DISTRICT.

+1 CC to M/S. T.BALAJI Advocate on payment of necessary charges
SR.NO.8659

CRL OP.14693/2021

Date :17/08/2021