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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15261 of 2021

1.Harikrishnan
2.Narasimman

... Petitioners

Vs.

The State represented by
The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.
(Crime No.295 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners/ accused 1 and 2 on bail in Crime No.295 of 2021 pending on the file of respondent police.

For Petitioners : M/s.Thanga Vadhana Balakrishnan

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

O R D E R

The petitioners who were arrested on 05.08.2021 for the offence under Sections 328 of I.P.C. and 7, 20(1) of the Cigarette and Other Tobacco Products Act, 2003 in Crime No.295 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the petitioners are alleged to have been found in possession of 263 Kgs. of gudka products.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioners are ready to deposit a sum of Rs.45,000/- to the Chief Educational Officer, Krishnagiri District for improvement of the Government Schools in the said District.



4. Heard the submissions made by the learned Government Advocate (Criminal Side).

5. Considering the period of incarceration undergone by the petitioners, I am inclined to grant bail to the petitioners.

6. 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 Principal Sessions Judge at Krishnagiri and on further condition that:

(a) The petitioners shall make a non-refundable deposit of Rs.45,000/- (Rupees Forty Five Thousand Only) to the credit of the Chief Educational Officer, Krishnagiri District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment, without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/ acknowledgment shall accept the sureties furnished by the petitioners;

(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;

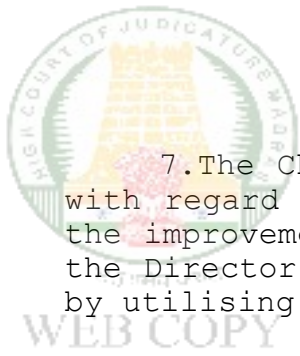
(c) the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(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. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done 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/-

25/08/2021

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 PRINCIPAL SESSIONS JUDGE
KRISHNAGIRI

2 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI DISTRICT

3 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATIONAL OFFICER
KRISHNAGIRI DISTRICT.

CC to M/S.THANGA VADHANA BALAKRISHNA Advocate on payment of necessary charges Sr.9089

CRL OP.15261/2021

Date :25/08/2021

RVR 27/08/2021