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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.15010 of 2021

M.Poosavel,

... Petitioner

Vs.

State rep by
The Inspector of Police,
Ammamet Police Station,
Salem.
(Crime No.333 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.333 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.L.Mouli

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1 side)

ORDER

The petitioner who was arrested on 31.07.2021 and remanded to judicial custody for the offences under Section 77 of Juvenile Justice Act, 2015 and Section 6, 24(1) of Cigarette and Other Tobacco Products Act, 2003, altered to Section 273, 328 and 511 of IPC and Section 57, 59 of Food Safety Act, Section 77 of Juvenile Justice Act 2015 and Section 6, 24(1) of Cigarette and Other Tobacco Products Act 2003, in Crime No.333 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 2,481, 190 kilograms of banned tobacco products worth about of Rs.50,00,000/-.. 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 31.07.2021. However, on instructions, the learned counsel further submitted that the petitioner, without prejudice his rights, on his own volition, is ready to deposit an amount of Rs.1,00,000/- to the Adyar Cancer Hospital and Research Institute, Adyar, Chennai and Rs.4,00,000/- for the purpose of constructing toilet in Government Girls Higher Secondary School, Salem District.. Therefore, he prays to grant bail to the petitioner.



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

5. Considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following 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 V, Salem, .and on further condition that:

(a) the petitioner shall make a non-refundable deposit of Rs.1,00,000/- (Rupees One lakh only) to the credit of the Adyar Cancer Hospital and Research Institute, Adyar, Chennai and Rs.4,00,000/-to the credit of the Chief Educational Officer, Salem District, for construction of Toilet in Government Girls Higher Secondary School, Salem, 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/acknowledgment, 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.



7. In the result, this Criminal Original Petition is ordered and this Court directs the Chief Educational Officer to submit the necessary proof with regard to the expenditure incurred for the construction of toilet of the Girls Government Schools in the District before the Director of School Education for the purpose of verification once in three months.

-sd/-
24/08/2021

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 V,
SALEM.

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

3 THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
SALEM

4 THE OFFICER INCHARGE,
SUB JAIL, ATTUR.

5 THE CHIEF EDUCATIONAL OFFICER,
SALEM DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 ADYAR CANCER HOSPITAL AND RESEARCH INSTITUTE,
ADYAR, CHENNAI.

+1 CC to M/A. L.MOULI Advocate on payment of necessary charges
SR.NO.8988

CRL OP.15010/2021

Date :24/08/2021