



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16762 of 2021

1. Praveenkumar
2. Sivakumar

... Petitioners

Vs.

State by,
The Sub-Inspector of Police,
Karuppur Police Station,
Salem District.
(Crime No.269 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.269 of 2021 pending investigation on the file of the respondent.

For Petitioners : Mr.D.Ashok Kumar

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

ORDER

The petitioners who were arrested on 29.08.2021 and remanded to judicial custody for the offences under Section 328 of IPC and Section 7(2) Cigarette and Other Tobacco Products Act, 2003 IPC in Crime No.269 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal transporting of banned tobacco products namely 10 gunny bags of Hans, each containing 30 kg, 5 gunny bags of Vimal Pan Masala, each containing 18 kg and 20 gunny bags of V-1 Tobacco, each containing 1.5 kgs in PIAGGIO Auto. Hence, the 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 29.08.2021. However, on instructions, the learned counsel further submitted that the petitioners, without prejudice their rights, on their own volition, are ready to deposit an amount of Rs.50,000/- for the purpose of improving and maintaining the Government Schools in Salem District. Therefore, he prays to grant bail to the petitioners.



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

5. Considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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.II, Salem, . and on further condition that:

(a) the petitioners shall make a non-refundable deposit of 50,000/-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, without prejudice to their 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 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/-
13/09/2021

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,
SALEM.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
KARUPPUR POLICE STATION,
SALEM DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, ATHUR,
SALEM DISTRICT.

6 THE CHIEF EDUCATIONAL OFFICER,
SALEM DISTRICT.

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

CRL OP.16762/2021

Date :13/09/2021

INBA 14/09/2021