



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18681 of 2021

Surendra Kumar Mallick

... Petitioner

Vs.

State by
The Inspector of Police,
Annur Police Station, Annur,
Coimbatore.
(Crime No.757 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to grant bail to the petitioner in Crime No.757 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.J.Saravanan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 01.08.2021 for the offence under Section 24(1) of Cigarette and Other Tobacco Products Act, 2003, 328 of I.P.C. in Crime No.757 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner is alleged to have been found in possession of 19 Kgs. of gutka products.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that earlier the petitioner filed petition seeking bail before this Court in Crl.O.P.No.16849 of 2021 and the same was dismissed by this Court on 14.09.2021. The learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.1,00,000/- for the purpose of desilting and maintaining the Perur Chettipalayam Lake in Coimbatore District, Coimbatore - 641 010.



4.The learned Government Advocate (Criminal Side) submitted that there is no previous case as against the petitioner.

5.Considering the fact that the petitioner the petitioner is ready to deposit a sum of Rs.1,00,000/- for the purpose of desilting the water body and the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner.

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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Mettupalayam and on further condition that:

(a) The petitioner shall make a non-refundable deposit of Rs.1,00,000/- (Rupees One Lakh Only) by way of demand draft drawn in favour of the concerned Tahsildar, Chettipalayam, Coimbatore - 641 010, without prejudice to his defence before the trial Court and shall submit proof for the same before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/ acknowledgment shall accept the sureties furnished by the petitioner. The said amount shall be used for the purpose of desilting and maintaining of Perur Chettipalayam Lake in Coimbatore - 641 010 by the concerned Tahsildar in co-ordination with the concerned Executive Officer, Chettipalayam Village Panchayat;

(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 petitioners 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.

WEB COPY

-sd/-

06/10/2021

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,
METTUPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ANNUR POLICE STATION,
ANNUR, COIMBATORE

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

6 THE TAHSILDAR
CHETTIPALAYAM, COIMBATORE 641 010

7 THE EXECUTIVE OFFICER
CHETTIPALAYAM VILLAGE PANCHAYAT,
COIMBATORE DISTRICT

+1 CC to M/S K.J.SARAVANAN Advocate on payment of necessary charges SR.No.11059

CRL OP.18681/2021

Date :06/10/2021

APN 07/10/2021