



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18940 of 2021

Mohan Kumar

... Petitioner

Vs.

The State rep.by
The Inspector of Police,
Shevapet Police Station,
Salem District.
(Cr.No.470/2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Cr.No.470 of 2021 on the file of the Shevapet Police Station, Salem District.

For petitioner : Mr.T.Nixon

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.09.2021, by the respondent police for the offences under Section 273, 328, 511 IPC r/w Sections 57 and 59 of Food Safety and Standards Act, 2006 and Section 77 of JJ Act and Sections 6 and 24(1) of Cigarette and Other Tobacco Products Act, 2003, seeks bail.

2. The case of the prosecution is that the petitioner / A2 along with other accused persons, alleged to have been found in possession of 60 kgs. of banned tobacco products.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and he is innocent of the said commission of offence and he has been falsely implicated in this case. Further, the learned counsel for the petitioner submitted that A1 was already released on bail in Crl.O.P.No.18726 of 2021, by the order of this Court dated 06.10.2021. However, on instructions submitted that the petitioner are ready to deposit a sum of Rs.25,000/- to the Chief Educational Officer, Salem District.



4. The learned Government Advocate (Crl.Side) submitted that against the petitioner, there is a goondas proposal and hence strongly opposed for grant of bail.

5. Considering the period of incarceration undergone by the petitioner and further the co-accused has already been released on bail vide order of this Court, this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, the petitioner is ordered to be released on bail on their execution of 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.III, Salem and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 under necessary acknowledgement, 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/acknowledgement, shall accept the sureties furnished by the petitioner ;

(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.



6. 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 Government 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/-

07/10/2021

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,
NO.III, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SHEVAPET POLICE STATION,
SALEM CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFIER INCHARGE
SUB JAIL, ATTUR,
SALEM DISTRICT

6 THE CHIEF EDUCATIONAL OFFICER,
SALEM DISTRICT

+1 CC to M/S.T.NIXON Advocate on payment of necessary charges
SR.No.11148

CRL OP.18940/2021

Date :07/10/2021

APN 08/10/2021