



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.19372 of 2021

1. M.Abdul Munaf
2. Mohamed Ismail
3. Mohamed Azarudeen

... Petitioners

Vs.

State rep. by
The Inspector of Police,
SIPCOT Police Station
Krishnagiri District.
(Crime No.414 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.414 of 2021 on the file of the Respondent police.

For Petitioners : Mr.J.Pradeep

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

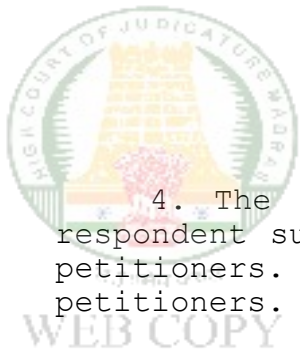
ORDER

(This case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 01.10.2021 for the offences under Sections 328 I.P.C. r/w Sec.7 and 20(1) of COTPA Act, 2003, in Crime No.414 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners are alleged to have been found in possession of 88 kg. of tobacco products.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. He would also submit, on instructions that the petitioners are ready to deposit a sum of Rs.10,000/- to the Chief Educational Officer, Krishnagiri District for improvement of the Government Schools in the said District. Therefore, he prays to grant bail to the petitioners.



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

5. Considering the period of incarceration suffered by the petitioners and there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioners with certain conditions:

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) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Hosur, Krishnagiri District and on further condition that:

(a) the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten 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 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 petitioners;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Judicial Magistrate No.II, Hosur may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager 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. 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 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/-
12/10/2021

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- II,
HOSUR, KRISHNAGIRI DISTRICT.

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

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

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL,
HOSUR, KRISHNAGIRI DISTRICT.

6 THE CHIEF EDUCATIONAL OFFICER,
KRISHNAGIRI DISTRICT.

CC to M/S.J.PRADEEP Advocate on payment of necessary charges

CRL OP.19372/2021

Date :12/10/2021

INBA-13/10/2021