



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.No. 19411 of 2021

1. Sudhakar
2. Emarajan
3. Karuppusamy

... Petitioners

Vs.

The State represented by
The Inspector of Police,
M-6, Manali Police Station,
Chennai.
Crime No.1122 of 2021 .

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, praying to enlarge the petitioners on bail in Crime No.1122 of 2021 on the file of the respondent police.

For Petitioners : Mr.K.R.Kalidass

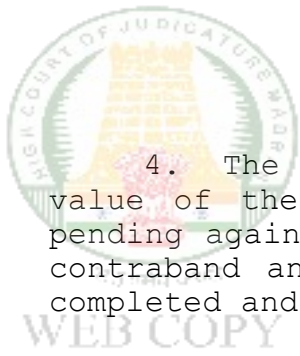
For Respondent : Mr.L.Baskaran
Government Advocate (CrI. Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 27.09.201 for the offences under Sections 353, 506(i) of IPC and Section 24(1) of the Cigarette and other Tobacco Products Act in Cr.No.1122 of 2021 on the file of the respondent police, seek bail.

2. Totally there are four accused and the petitioners herein are A1 to A3. The case of the prosecution is that, the accused persons were illegally transporting 83 kgs of banned Tobacco products to the value of Rs.1,04,300/-, by using a vehicle bearing registration No.TN-04-T-6390.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected to the alleged offence and they have been falsely implicated in this case for statistical purpose. However, on instructions, the learned counsel further submitted that the petitioners, without prejudice their rights, on their own volition, are ready and willing to contribute a sum of Rs.5,000/- each (five thousand each) for the purpose of improving and maintaining the Government Schools.



4. The learned Government Advocate (Crl.Side) submitted that the value of the contraband is Rs.1,04,300/- and no previous case is pending against the petitioners. He further submitted that the total contraband and the vehicle were seized and investigation is not yet completed and hence, opposed for grant of bail to the petitioners.

5. Considering the period of incarceration suffered by the petitioners and also taking note of the fact that the entire contraband has been recovered, 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 separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, out of which one surety shall be blood relative, each for a like sum to the satisfaction of the Judicial Magistrate, Tiruvottiyur, and on further condition that:

a) the petitioners shall make a non-refundable deposit of Rs.5,000/- each (Rupees five Thousand) to the credit of the Chief Educational Officer, Chennai 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 learned Judicial Magistrate 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 co-operate with the pending investigation and shall report before the respondent Police, daily at 10.00 a.m., until further orders.

(d) the petitioners shall not influence, threaten or coerce the 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 Commissioner 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,
TIRUVOTTIYUR.

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

3 THE INSPECTOR OF POLICE,
M-6, MANALI POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

6 THE CHIEF EDUCATIONAL OFFICER,
CHENNAI DISTRICT.

+1 CC to M/S.K.R.KALIDASS Advocate on payment of necessary charges SR.NO.11403

CRL OP.19411/2021

Date :12/10/2021

INBA-13/10/2021