



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. 19405 of 2021

A.Prakash

... Petitioner

Vs.

The State represented by  
The Inspector of Police,  
HUDCO Police Station,  
Krishnakiri District.  
(Crime No.458 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, praying to enlarge the petitioner on bail in Crime No.458 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Muthamizhselvakumar

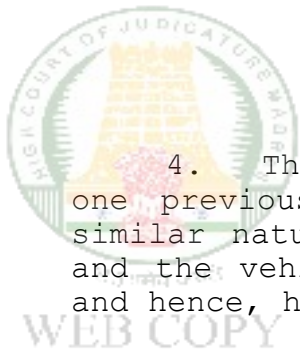
For Respondent : Mr.L.Baskaran  
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 30.09.201 for the offences under Sections 279, 337, 328 of IPC r/w Section 6, 20(1) of the Cigarette and other Tobacco Products Act in Cr.No.458 of 2021 on the file of the respondent police, seeks bail.

2. Totally there are three accused and the petitioner herein is A3. The case of the prosecution is that, the accused persons were illegally transporting 195 kgs of banned Tobacco products to the value of Rs.1,30,000/-, by using a vehicle bearing registration No.TN-03-Q-2788.

3. The learned counsel for the petitioner submitted that the petitioner is only the driver of the vehicle and he has been falsely implicated in this case for statistical purpose. However, on instructions, the learned counsel further submitted that the petitioner, without prejudice his rights, on his own volition, is ready and willing to contribute a sum of Rs.20,000/- for the purpose of improving and maintaining the Government Schools.



4. The learned Government Advocate (Crl.Side) submitted that one previous case is pending against the petitioner which is in similar nature. Hence, further submitted that the entire contraband and the vehicle were seized and investigation is not yet completed and hence, he opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and also taking note of the fact that entire contraband has been recovered, this court is inclined to grant bail to the petitioner with certain conditions.

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, out of which one surety shall be blood relative, each for a like sum to the satisfaction of the Judicial Magistrate-II, Hosur, and on further condition that:

a) the petitioner shall make a non-refundable deposit of Rs.20,000/- (Rupees twenty 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 his 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;

(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 petitioner 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 petitioner shall not influence, threaten or coerce the 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 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 NO.II,  
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
KRISHNAGIRI [FOR INFORMATION]

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

4 THE OFFICER INCHARGE,  
DISTRICT PRISON, KRISHNAGIRI.

5 THE CHIEF EDUCATIONAL OFFICER,  
KRISHNAGIRI DISTRICT.

6 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S P.MUTHAMIZHSELVAKUMAR Advocate on payment of  
necessary charges

CRL OP.19405/2021

Date :12/10/2021

CSK 13/10/2021