



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Cr1.O.P.No. 19525 of 2021

Suresh Kumar

... Petitioner

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Sipcot Police Station,
Krishnakiri District.
(Crime No.399 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.399 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Illiyas

For Respondent : Mr.L.Baskaran
Government Advocate (Cr1. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.09.2021, for the alleged offences under Section 328 of IPC r/w 7 & 20(i) of COPTA Act 2003, in Cr.No.399 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused had illegally transported 10.5 kgs of banned Tobacco products, worth about Rs.6,000/- by using a vehicle bearing registration No.TN 30 BX 6581.

3. The learned counsel for the petitioner submitted that the petitioner is the driver of the vehicle and he has been falsely implicated in this case. 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.3,000/- for the purpose of improving and maintaining the Government Schools.

4. The learned Government Advocate (Cr1.Side) submitted that there is no previous case pending against the petitioner. He further submitted that the entire contraband and the vehicle have been seized. However, he opposed for grant of bail to the petitioner.



5. Considering the period of incarceration suffered by the petitioner and the antecedents of the petitioner are not reported to be bad 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 of the petitioner, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Hosur, and on further condition that:

a) the petitioner shall make a non-refundable deposit of Rs.3,000/- (Rupees three 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,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE CHIEF EDUCATIONAL OFFICER,
KRISHNAGIRI DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.19525/2021

Date :12/10/2021

CSK 13/10/2021