



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Cr1.O.P.No.19520 of 2021

Mukesh

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Ammamet Police Station,
Salem District.
(Crime No.403 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, praying to enlarge the petitioner on bail pending investigation in Crime No.403 of 2021 on the file of the respondent police.

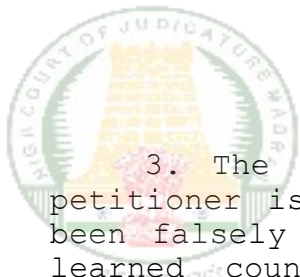
For Petitioner : Mr.B.Vasudevan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 07.09.2021 for the offences under Sections 273, 328, 511 of IPC, and Sec.57, 59 of Food Safety and Standards Act, 2006 and Sec.77 of the Juvenile Justice (Care and Protection of Children) Act 2015 and Sec.6, 24(1) of Cigarette and Other Tobacco Products Act 2003, in Crime No.403 of 2021 on the file of the respondent police, seeks bail.

2. Totally there are 8 accused and the petitioner is A6. The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of 409 kgs of banned tobacco products. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence 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.50,000/- for the purpose of improving and maintaining the Government Schools. He further submitted that co-accused had already been released on bail by this Court in CrI.O.P.No.18074 of 2021 dated 29.09.2021. Therefore, he prays to grant bail to the petitioner.

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

5. Considering the period of incarceration suffered by the petitioner and co-accused had already been released on bail by this Court and there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

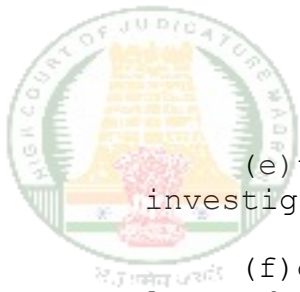
6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.5, Salem. and on further condition that:

(a) the petitioner shall make a non-refundable deposit of Rs.50,000/- (Rupees Fifty 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 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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.

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.5, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE CHIEF EDUCATIONAL OFFICER,
SALEM DISTRICT.

+1 CC to M/S. B.VASUDEVAN Advocate on payment of necessary
charges SR.NO.11421

CRL OP.19520/2021

Date :12/10/2021

JPA 13/10/2021