



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19991 of 2021

K.Muniyappan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Peralam Police Station,
Tiruvarur District.
(Crime No.992 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.992 of 2021 on the file of the respondent.

For Petitioner : Mr.J.Ramkumar

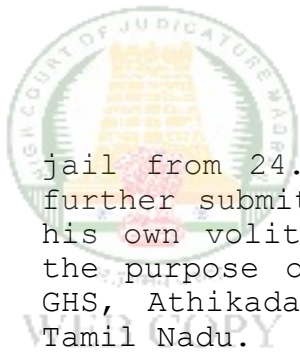
For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioner who was arrested on 24.09.2021 and remanded to judicial custody for the offences under Sections 273, 328 of IPC and 7 r/w 20(1) Cigarette and Other Tobacco Products Act, 2003 in Crime No.992 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the on 23.09.2021 at about 2.00p.m., when the Inspector of Police, Peralam Police Station is on duty of vehicle searching at Peralam Railway Gate, Thandanthoppu Pirivu Salai near Main Road, they found the two persons trying to ran away from the vehicle and on suspicion, the respondent police caught both of them and found that they are in possession of 612 kgs of banned tobacco products worth about Rs.4,50,000/- Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in



jail from 24.09.2021. However, on instructions, the learned counsel further submits that the petitioner, without prejudice his rights, on his own volition, is ready to deposit an amount of Rs.50,000/- for the purpose of improving and maintaining the Government School i.e, GHS, Athikadai Government School, Koradachery, Thiruvarur District, Tamil Nadu.

4. The learned Government Advocate (Crl.Side) submits that the petitioner along with others are having illegal possession of 612 kgs of banned tobacco products worth about Rs.4,50,000/-. He further submits that there is no previous case pending as against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following 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 District Munsif-Judicial Magistrate, Nannilam . and on further condition that:

(a) the petitioner shall make a non-refundable deposit of 50,000/-to the credit of The Chief Educational Officer, Thiruvarur District, for the rehabilitation and improvement of the basic needs of the Government School i.e., GHS, Athikadai Government School, Koradachery, Thiruvarur District, Tamil Nadu under necessary acknowledgment 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/acknowledgment, 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 petitioners in accordance with law as if the conditions has 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. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done 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/-
26/10/2021

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 DISTRICT MUNSIF
JUDICIAL MAGISTRATE, NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
TIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE
SUB-JAIL, NAGAPATTINAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE CHIEF EDUCATIONAL OFFICER,
THIRUVARUR DISTRICT.

7 THE GOVERNMENT SCHOOL
GHS, ATHIKADAI GOVERNMENT SCHOOL,
KORADACHERY,
THIRUVARUR DISTRICT, TAMIL NADU.

+1 CC to M/S.J.RAMKUMAR Advocate on payment of necessary charges
SR.NO.11820

CRL OP.19991/2021

Date :26/10/2021

JPA 27/10/2021