



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24944 of 2021

1. Arun

2. Srikanth

... Petitioners

Vs.

State rep by the Sub-Inspector of Police,
Karuppur Police Station,
Salem District.
(Crime No.461 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.461 of 2021 on the file of the Inspector of Police, Karuppur Police Station, Salem District.

For Petitioners: Mr.B.Vasudevan

For Respondent : Mr.N.S.Suganthan
Government Advocate(Crl. Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 29.11.2021 for the offences under Section 273, 328, 511 IPC and Section 57, 59 of Food Safety and Standards Act 2006 and Section 7(2) Cigarette and other Tobacco Products Act 2003, (COTPA Act 2003) in Crime No.461 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioners along with other accused persons was found in illegal transportation of 24.22kgs of banned tobacco products worth about Rs.2,32,600/- Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.1,00,000/- for the purpose of improving and maintaining the Government Schools. He further submits that the petitioners have been suffering incarceration for more than 21 days from 19.11.2021. Hence, he seeks for grant of bail to the petitioners.



4. The learned Government Advocate (Crl. Side) submits that the petitioners along with other accused persons was found in illegal transportation of 24.22kgs of banned tobacco products worth about Rs.2,32,600/- and the said banned tobacco products are hailing from Karnataka State. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners and the petitioners have willfully and on their own volition agreed to contribute a sum of Rs.1,00,000/- for improving the Government School, 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 bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate -II, Salem and on further conditions that:

(a) the petitioners shall make a non-refundable deposit of Rs.1,00,000/- 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 acknowledgment without prejudice to their defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police station on every Saturday at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or 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 are 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 Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

20/12/2021

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, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE SUB INSPECTOR OF POLICE
KARUPPUR POLICE STATION, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE CHIEF EDUCATION OFFICER,
SALEM DISTRICT.

CC to M/S.B.Vasudevan Advocate on payment of necessary charges
Sr.15148

CRL OP.24944/2021

Date :20/12/2021

RVR 21/12/2021