



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.615 of 2022

Harish

... Petitioner

Vs.

State: Inspector of Police,
Hudco Police Station,
Krishnagiri District.
Crime No. 590 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/accused on bail in Crime No. 590 of 2021 on the file of the respondent police.

For petitioner : M/s.M.P.Saravanan

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

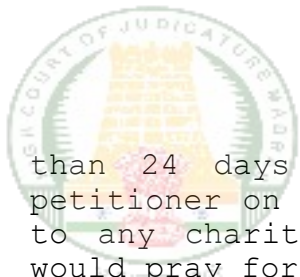
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 17.12.2021 for the offences under Sections 328 of IPC r/w S.6 and 20(1) of COTPA Act 2003, in Crime No.590 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.12.2021, when the respondent police officials were on their regular patrol duty found the petitioner along with other accused illegally transporting 726 Kg and 500gms of banned tobacco products worth about Rs.7,00,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that co-accused has already been granted bail and that the petitioner has been suffering incarceration for more



than 24 days from 17.12.2021. He would further submit that the petitioner on his own volition ready to deposit a substantial amount to any charitable institute as may be directed by this Court and would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed stating that the petitioner was illegally transporting 726 Kg and 500gms of banned tobacco products worth about Rs.7,00,000/- and that he has got one previous case. He would further submit that the investigation is almost completed.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand Only), to the credit of the Registered Legal Services Authority, Krishnagiri District, without prejudice to his rights and contentions.

6. It is made clear that the deposit of the amount by the petitioner to the said Authority would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the fact that co-accused has released on bail and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner have been confined and thereafter on his release;

(b) the petitioner shall make non-refundable deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) through demand draft to the Registered Legal Services Authority, Krishnagiri District, without prejudice to his defence before the trial Court and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-II, Hosur, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;



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 SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE CHAIRMAN
LEGAL SERVICES AUTHORITY,
KRISHNAGIRI DISTRICT.

7 THE SECRETARY
LEGAL SERVICES AUTHORITY,
KRISHNAGIRI DISTRICT.

8 THE LEGAL SERVICES AUTHORITY,
KRISHNAGIRI DISTRICT.

9 THE SECRETARY,
HIGH COURT LEGAL SERVICES COMMITTEE
HIGH COURT, MADRAS.

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

CRL OP.615/2022

Date :12/01/2022

JPA 19/01/2022