



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.774 of 2022

1.Selvakumar
2.Gokul

... Petitioners

Vs.

State rep. by
The Sub-Inspector of Police,
Arani Taluk Police Station,
Arani,
Tiruvannamalai
(Crime No.1436 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail pending investigation in Crime No.1436 of 2021 on the file of the respondent police.

For Petitioners : Mr.B.Jawahar

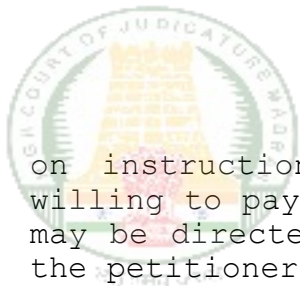
For Respondent : Mr.N.S.Suganthan
Government Advocate(Crl.Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 23.12.2021 for the offences under sections 273,328, 511 I.P.C. r/w Section 6(b), 24(1) of COTPA Act 2003, in Crime No.1436 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.12.2021, when the respondent police officials were on regular patrol duty, they found that the petitioners were in illegal possession of 16 kg Pan Masala pockets. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and that they have been suffering incarceration from 23.12.2021. However,



on instructions, he submits that the petitioners are ready and willing to pay a sum of Rs.5,000/-each to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioners.

4. The learned Government Advocate raised objection stating that the petitioners were in illegal possession of Pan Masala. He further submits that investigation was almost completed.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioners and the investigation was almost completed and also the fact that the petitioners willfully and on their own volition agreed to contribute a sum of Rs.5,000/- each for charitable purpose, this Court is inclined to grant bail to the petitioners with certain conditions;

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

(b) the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) each to the Registered Advocate Clerks Association, Thiruvannamalai District and on such deposit, the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate Arani 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;

(c) 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;

(d) the petitioners shall report before the respondent police on daily at 10.30 a.m. until further orders;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioners shall not abscond either during investigation or trial;



(h) 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;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
12/01/2022

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,
ARANI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE,
ARANI TALUK POLICE STATION,
ARANI, TIRUVANNAMALAI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, POLUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION,
THIRUVANNAMALAI DISTRICT.

WEB COPY

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

CRL OP.774/2022

Date :12/01/2022

JPA 19/01/2022