



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No.759 of 2022

1. MOHANRAJ
2. PALANISAMY

... Petitioners

Vs.

State Rep. by
The Sub Inspector of Police,
TIRUCHENGODE RURAL Police Station,
Namakkal District.
Crime.No.549 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.549 of 2021 pending investigation on the file of the respondent police.

For petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.N.S.Suganthan
Government Advocate

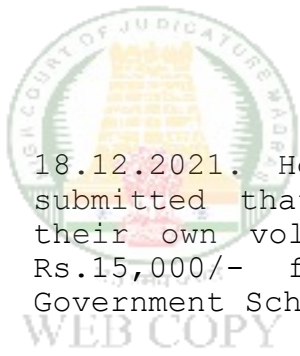
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 18.12.2021 for the offences under Sections 120(B), 273, 328 IPC and Sec.24(1) of Cigarette and other Tobacco Products Act 2003, in Crime No.549 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 09.12.2021 at about 05.30 a.m, when the respondent police officials engaged in regular vehicle inspection, they found the petitioners was in possession of illegal banned Tobacco products viz., Hans weighing to 165 Kg and 35 Kgs of V-1 Tobacco. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and that the petitioners have been suffering incarceration for more than 23 days from



18.12.2021. However, on instructions, the learned counsel further submitted that the petitioners, without prejudice his rights, on their own volition, is ready and willing to contribute a sum of Rs.15,000/- for the purpose of improving and maintaining the Government Schools and he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent raised formal objection but admits that investigation is almost completed.

5. Considering the facts and circumstances of the case and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) the petitioners shall make a non-refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand only) each, totally Rs.30,000/- (Rupees Thirty Thousand only) to the credit of the Chief Educational Officer, Namakkal District for the rehabilitation and improvement of the basic needs within 4 weeks in 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 petitioners;

(b) Accordingly, 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 his release;

(c) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Tiruchengode, 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;

(d) 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;

(e) the petitioners shall report before the respondent police on every Wednesday 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.

6. 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 Director of School Education as and when such works are completed by utilising the money as ordered by this Court..

-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

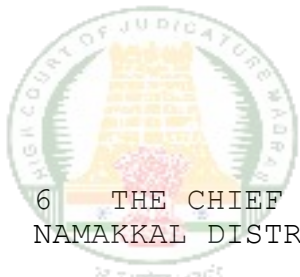
1 THE JUDICIAL MAGISTRATE,
TIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
TIRUCHENGODE RURAL POLICE STATION,
NAMAKKAL DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE CHIEF EDUCATIONAL OFFICER
NAMAKKAL DISTRICT.

+1CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary
charges.

CRL OP.759/2022

Date :12/01/2022

CSK 19/01/2022