



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

Crl.O.P.No.1296 of 2022

Babu Lal

...Petitioner

Vs.

The State By
The Inspector of Police
Auroville-Police Station
Villupuram-District
Crime No.320 of 2021.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.320 of 2021 on the file of the respondent police.

For petitioner : Mr.M.Arumugam

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

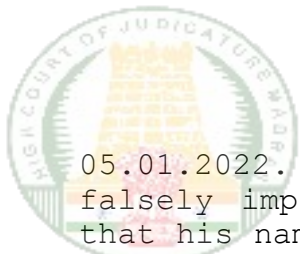
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 02.12.2021 for the offences under Sections 294(b), 353, 307, 273, 328 of Indian Penal Code r/w 24(1), 6 of COTPA Act, in Crime No.320 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.09.2021 at about 2.45 a.m, when the respondent police officials were on regular duty at Pattanoor Village, Pattanoor Toll gate near Thindivanam to Puducherry Highways, the accused persons illegally transported banned tobacco products and when the respondent police tried to stop the vehicle, A1 attempted to dash the vehicle against the police officials. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the second application for bail and the earlier application was dismissed by this Court in Crl.O.P.No.55 of 2022 by order dated



05.01.2022. He would further submit that the petitioner has been falsely implicated in this case based on the confession of A1 and that his name is not in the FIR. He would further submit that the co-accused/A1 to A3 have been released on bail by this Court in Crl.O.P.No.19330 of 2021 by order dated 20.10.2021 and the petitioner on his own volition is ready to deposit a substantial amount to any charitable institute as may be directed by this Court and that the petitioner has been suffering incarceration for more than 50 days from 02.12.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would raise objection stating that there are totally 4 accused in this case and the petitioner is arrayed as A4 and that the accused transported banned tobacco products worth about Rs.3 lakhs but admits that the investigation is almost completed.

5. 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.50,000/- (Rupees Fifty Thousand Only)**, to the credit of the **Madras High Court Advocate Clerks Welfare Association, Chennai**, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocate clerks.

6. It is made clear that the deposit of the amount by the petitioner to the said Association 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 investigation is almost completed and the co-accused have been released on bail 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 has been confined and thereafter on his release;

(b) the petitioner shall make non-refundable deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)**, through demand draft to the **Madras High Court Advocate Clerks Welfare Association, Chennai**, without prejudice to his defence before the trial Court and on such



WEB COPY

deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-cum-Munsif, Vanur, Villupuram District, 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., until further orders;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have 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];

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



8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

21/01/2022

WEB COPY

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,
CUM MUNSIF, VANUR, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AUROVILLE POLICE STATION,
VILLUPURAM DISTRICT.

5 THE MADRAS HIGH COURT ADVOCATE CLERKS
WELFARE ASSOCIATION, CHENNAI.

6 THE OFFICER INCHARGE
SUB JAIL, TINDIVANAM.

+1 CC to M/S. M.ARUMUGAM Advocate on payment of necessary
charges SR.NO.923

CRL OP.1296/2022

Date :21/01/2022

TA-21/01/2022