



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

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

Cr1.O.P.No.2111 of 2022

1.Prabakaran
2.Narasimman

...Petitioners

Vs.

State by
The Inspector of Police,
Adhiyamankottai Police Station,
Dharmapuri District.
(Crime No. 23 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on the bail in Crime No.23 of 2022 on the file of the Respondent police.

For Petitioners : Mr.M.Jayachandran

For Respondent : Mr.N.S.Suganthan
(Government Advocate Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 11.01.2022 for the offences under Sections 273 & 328 of IPC read with 7(1), 20(1) COTPA Act 2003 in Crime No.23 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 11.01.2022, the petitioners along with other accused were found illegally transporting 225 kgs banned tobacco products viz., Hans in their car. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against them and that the petitioners have been suffering incarceration for 20 days from 11.01.2022. He would further submit that one of the co-accused has been granted bail by this Court. Further, on instructions he would



submit that the petitioners are ready and willing to pay a substantial amount to any charitable institute as may be directed by this Court without prejudice to their rights and contentions before the trial Court and would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would raise objection stating that the petitioners who are son and father respectively along with two other accused were found illegally transporting 726 kgs of Tobacco products worth about more than Rs.4 lakhs. He would further submit that the 2nd petitioner has got one previous case but admits that there is no previous case against the 1st petitioner and the co-accused has been granted bail by this Court and that the investigation is almost completed.

5. In order to curb illegal activities and considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.50,000/- (Rupees Fifty Thousand Only) each, to the credit of the Tamil Nadu Legal Services Authority, Chennai and Little Hearts Rehabilitation Centre for the Persons with Mental Illness, C 456, Annai Perumayiammal Kalyana Mandabam, Saravanabhavan Nagar, Maniyanur, Salem-10, respectively, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the said Association for the welfare of the Advocate Clerks.

6. It is made clear that the deposit of the amount by the petitioners 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 above facts and circumstances of the case and the co-accused has been granted bail by this Court 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) Accordingly, the 1st petitioner shall make non-refundable deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) through demand draft to the credit of the Tamil Nadu Legal Services Authority, Chennai, and the 2nd petitioner shall make a non-refundable deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Little Hearts Rehabilitation Centre for the Persons with Mental Illness, C 456, Annai Perumayiammal Kalyana Mandabam, Saravanabhavan Nagar, Maniyanur, Salem-10, Mobile No.9500017716 / 9940617712, Account No.31063199342, State Bank of India, Uthandi Branch, IFSC Code:SBIN0011771, without prejudice to their defence before the trial Court and on such deposit, 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 shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate No.II, Dharmapuri, 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 Saturday at 10.30 a.m. until further orders.

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

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

(g) the petitioners 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 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];

(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/-

01/02/2022

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,
NO.II, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ADHIYAMANKOTTAI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, DHARMAPURI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE TAMIL NADU LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS.

7 THE LITTLE HEARTS REHABILITATION
CENTRE FOR THE PERSONS WITH MENTAL ILLNESS,
C 456, ANNAI PERUMAYIAMMAL KALYANA MANDABAM,
SARAVANABHAVAN NAGAR, MANIYANUR, SALEM-10.
Mobile No.9500017716 / 9940617712,
Account No.31063199342, State Bank of India,
Uthandi Branch, IFSC Code:SBIN0011771.

CC to M.JAYACHANDRAN Advocate on payment of necessary charges

CRL OP.2111/2022

Date :01/02/2022

CSK 02/02/2022