

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10291 of 2020

1.Raghupathi

2.Dolaram

(*)3.Srinivasan @ Seenu

... Petitioners

/versus/

The State Rep. by
Station House Officer
Panruti Police Station
Cuddalore District
(Crime No.863/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.863 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.K.Balasubramaniam

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 24.06.2020 for the offence punishable under Sections 273, 328 IPC r/w 24(1) Section of Cigarettes and Other Tobacco Prohibition Act, 2003, in Crime No.863 of 2020, seek bail.

2. The case of the prosecution is that the petitioners were arrested on 24.06.2020 for having found in possession of 5778 packets of banned tobacco products and the same was seized by the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. On instruction, he would further submit that without prejudice to his defence and contentions, the petitioners are prepared to deposit some considerable amount to any charitable organization or to any Association, and that the petitioners have been suffering incarceration from 24.06.2020. Hence, he prays to grant bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners were found in possession of 5778 packets of banned tobacco products. He would further submit that there is no previous cases pending against these petitioners.

5.Taking into consideration of the facts and circumstances and also submissions made by the learned Government Advocate, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai-600 020, bearing A/c. No.149710011005477, Andhra Bank, Madhya Kailash Branch and on such deposit and production of proof and executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on his 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.I, Panruti, within 15 days from the date of lifting of the lockdown and the 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, on every Monday 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.

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

-sd/-

08/07/2020

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.

**(*) AMENDED AS PER ORDER OF THIS COURT DATED 28/07/2020
MADE IN CRL MP.NO.4529/2020**

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, PANRUTI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE OFFICER INCHARGE,
SUB JAIL, PANRUTI, CUDDALORE DISTRICT.

4 STATION HOUSE OFFICER,
PANRUTI POLICE STATION,
CUDDALORE DISTRICT.

5 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI 600 020

CC to M/S.K.BALASUBRAMANIAM Advocate on payment of necessary charges

CRL OP.10291/2020

Date :08/07/2020

RVR 28/08/2020

RVR 09/09/2020