

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10320 of 2020

in

Crime No.856 of 2020

1. JUJARAM
2. CHAMPARAM

....Petitioners/Accused A-1 &2

..Vs..

State Rep by.

The Station House Officer,
Panruti Police Station,
Cuddalore District.

(Crime. No. 856 of 2020).

...Respondent/Respondent

Prayer : This Criminal Original Petition has been filed under Section 439 of the Code of Criminal Procedure to enlarge the petitioner on bail in Crime No. 856 of 2020 on the file of the respondent police.

For Petitioner : Mr. K. Gandhi Kumar

For respondent : Mr. Shunmugarajeswaran,
Gov. Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 23.06.2020 for the offences punishable under Sections 273, 328 of IPC r/w under section 24(1) of The Cigarette and other Tobacco Products Acts 2003 in Crime No. 856 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners were found in possession of 6000 pockets of banned tobacco pockets and 4200 pockets of Pan masala and also 1020 of Hans Pockets.

3. The learned counsel 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 their defence and contentions, the petitioners are prepared to deposit some considerable amount as non refundable deposit to any charitable organization or to any Association, and that the petitioners have been suffering incarceration from 23.06.2020. Hence, he prays to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners were found in possession of 6000 pockets banned tobacco products, 4200 pockets of Pan masala and also 1020 of Hans Pockets. He would further submit that there is no previous case is pending against these petitioners.

6. Taking into consideration the facts and circumstances of the case, 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.25,000/- (Rupees Twenty Five Thousand) each, to the District Legal Services Authority, Cuddalore, 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 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.1, Panruti, within a period of two weeks or commencement of Courts normal functioning, whichever is earlier 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 surtey bond and the learned Magistrate may obtain a copy of their Aadhar Card of 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 every Monday at 10.30 a.m., until further orders.

(e) the petitioners shall not commit any offences of similar in anture.

(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 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 SCW5560.

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

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

-sd/-
09/07/2020

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, PANRUTI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE OFFICER INCHARGE
THE DISTRICT LEGAL SERVICES AUTHORITY,
CUDDALORE.

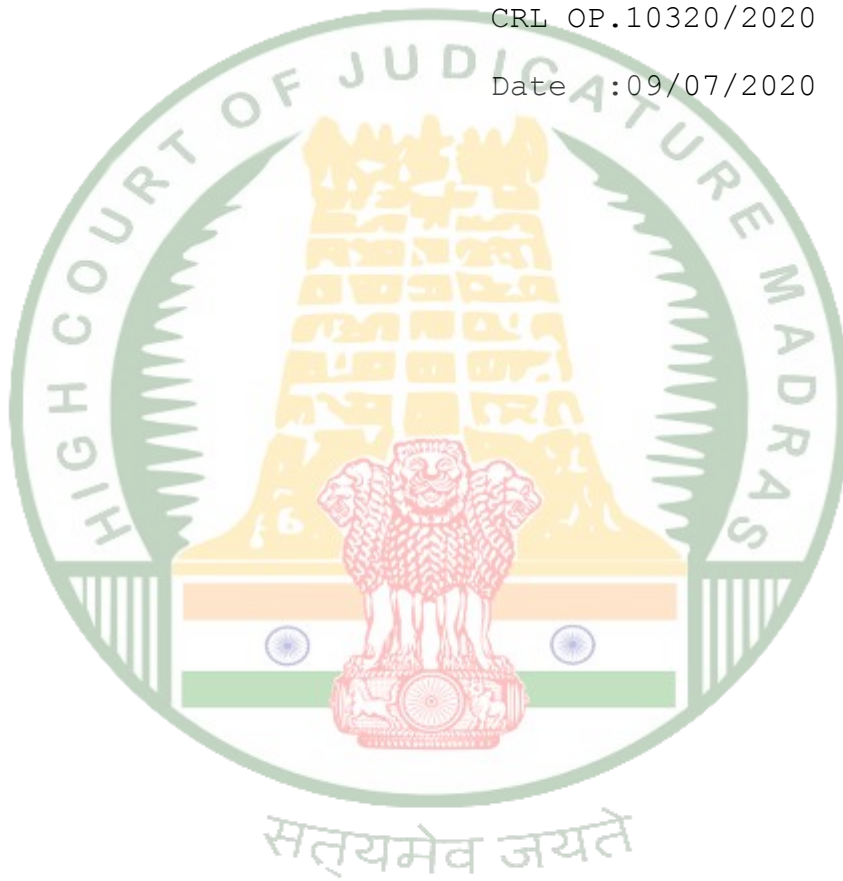
6 THE SECRETARY
TAMIL NADU LEGAL AID SERVICES AUTHORITY,
HIGH COURT, MADRAS.

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

CRL OP.10320/2020

Date :09/07/2020

cs 07/08/2020



WEB COPY