

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.11.2020

CORAM :

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

CRL.O.P.No.17111 of 2020

Sawai Singh

... Petitioner

Vs.

State rep. By

... Respondent

The Inspector of Police,
Perambalur Police Station,
Perambalur District.
(Crime No.2113 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.2113 of 2020 on the file of the respondent.

For Petitioner : Mr.T.Elumalai

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

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.09.2020 for the offences punishable under Section 20 (2) of Cigarette and other Tobacco Products Act, 2003 and Section 328 of IPC, in Crime No.2113 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner along with two other accused was illegally found to be in possession of 19 White gunny bags of Hans bundles worth Rs.3 Lakhs in his car without any valid licence or permit. Hence, this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is only the driver of the vehicle. On instructions, he would further submit that taking into consideration of the Covid pandemic situation, the petitioner without prejudice to his defence, is prepared to make considerable donation to any charitable Organization or Association, and that the petitioner has been suffering

incarceration from 21.09.2020.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner is the owner of the banned tobacco products. He along with two other accused was illegally found to be in possession of 19 While gunny bags of Hans bundles, worth Rs.3 Lakhs in his car, without valid licence or permit, He would further submit that the petitioner has no previous cases of similar nature against him.

5.In order to curb the illegal activities and taking into consideration of the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioner shall be directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit through RTGS/NEFT in favour of the **Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch**, on such payment and production of proof, he shall be released on bail on further condition to execute a bond for a sum of Rs.10,000/- (Ten Thousand only) with two sureties each for a likesum sum to the satisfaction of the the learned Judicial Magistrate, Perambalur and on further conditions that;

(b) Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

(c) the petitioner shall report before the respondent police every day at 10.30 a.m. until further orders.

(d) 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;

(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

(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/-
02/11/2020

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,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.

5 THE JAILER,
SUB-JAIL, PERAMBALUR.

6 THE CANCER INSTITUTE (WIA) (REGIONAL CANCER
CENTRE), ADYAR, CHENNAI - 600020, BEARING
A/C.NO.149710011005477, ANDHRA BANK, MADHYA
KAILASH BRANCH,

+1 CC to M/S. T.ELUMALAI Advocate on payment of necessary
charges SR.NO.7166

CRL OP.17111/2020

Date :02/11/2020

TA-03/11/2020