

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19450 of 2020

1. Aravind Raj
2. Muthukrishnan
3. Vaikundaraman

...Petitioners

Vs.

State represented by,
The Inspector of Police,
Mangalam Police Station,
Tiruppur District.
(Crime No.1437/2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. praying to enlarge the petitioner on bail in Crime No.1437 of 2020 on the file of the respondent.

For Petitioner : Mr.C.Mohanraj

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 05.11.2020 for the alleged offences punishable under Sections 273, 328 of IPC r/w Section 7(1), 20(2) of Cigarette and other Tobacco Products Act, 2003 in Crime No.1437 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 3.75 tonnes of banned Tobacco products. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. On instructions, he would further submit that taking into consideration of the Covid pandemic situation, the

petitioners without prejudice to their defence, are prepared to make considerable donation to any charitable Organization or Association, and that the petitioners have been suffering incarceration from 05.11.2020.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioners were illegally found in possession of 3.75 tonnes of banned tobacco products worth about Rs.25,00,000/-.

5. In order to curb the illegal activities and taking into consideration of the voluntary submission made by the petitioners offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the first petitioner shall be directed to deposit a sum of Rs.1,50,000/- (Rupees One lakh and Fifty Thousand only) and the petitioners 2 & 3 shall be directed to deposit a sum of Rs.50,000/- each (in total Rs.1,00,000/-) as non-refundable deposit through RTGS/NEFT in favour of the **The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c.No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856**, on such payment and production of proof, they shall be released on bail on further condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum sum to the satisfaction of the the learned Judicial Magistrate-IV, Tiruppur, and on further conditions that;

(a) Merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently;

(b) the petitioners shall report before the respondent police every day at 10.30 a.m. until further orders;

(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 not commit any offences of similar nature;

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

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) 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]**;

(h) 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/-
11/12/2020

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.IV, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUPPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.

6 THE DEAN, RAJIV GANDHI
GOVERNMENT GENERAL HOSPITAL, CHENNAI,
BEARING A/C.NO.10273425961, STATE BANK OF
INDIA, PARK TOWN (CHENNAI), 68, EVENING
BAZAAR ROAD, CHENNAI.IFSC:SBIN0001856,

+1 CC to M/S C.MOHANRAJ Advocate on payment of necessary
charges SR.NO.8126

CRL OP.19450/2020

Date :11/12/2020

TA-14/12/2020

<https://hcservices.ecourts.gov.in/hcservices/>