

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2264 of 2021

1. Ramesh
2. Nakalanpuri

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
B-2 Vishnu Kanchi Police Station,
Kancheepuram District.
(Crime No. 133 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.133 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr. N.Senthil Kumar

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 28.01.2021 for the offence punishable under Sections 273, 328 of IPC r/w. Section 7 and 20(1) of Cigarette and other Tobacco Products Act 2007 and Section 52, 59 of Food Safety and Standards Act 2006 in Crime No.133 of 2021 , seek bail.

2. Totally, there are three accused and the petitioners are arrayed as A1 and A2. The case of the prosecution is that when the respondent police was conducting a vehicle check up, the petitioners were found in possession of (1) Cool Lips 32.26 kgs. (2) Vimal Pan Masala 79.20 kg. (3) V-1 Tobacco 9.60 kg. of banned tobacco products. Hence, a criminal case has been registered against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners are no way connected with the offence. Hence, he seeks for grant of bail to the petitioner. The learned counsel for the petitioner, on instructions, submitted that the petitioners are prepared to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) without prejudice to their defence.

4. The learned Additional Public Prosecutor would submit that the petitioners were found in possession of huge quantity of banned tobacco products. She would further submit that no previous case is pending as against the petitioners. Hence, she opposed to grant bail to the petitioners.

5. Considering the said facts and circumstances and the fact that no previous case is pending as against the petitioners, the investigation is almost completed and also considering the period of incarceration suffered by the petitioners, 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 execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-No.I, Kancheepuram, and on further conditions that:

(b) 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;

(c) the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Madras High Court Advocate Clerks' Welfare Association, Indian Bank, High Court, Madras, (A/c.No.484077244, IFSC No.IDIB 000 M 157,), within a period of two weeks from the date of receipt of a copy of this order without prejudice to their rights and contentions before the trial Court;

(d) the petitioners, on their release from prison, shall report before the respondent police daily at 10.30 a.m., for a period of two weeks.

(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/-
10/02/2021

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, KANCHEEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
B-2, VISHNU KANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, KANCHEEPURAM

6 MADRAS HIGH COURT ADVOCATES
CLERKS WELFARE ASSOCIATION,
INDIAN BANK HIGH COURT BRANCH
SB.A/C NO. 484077244, IFSC CODE:IDIB000M157

CC to M/S.N.SENTHIL KUMAR Advocate on payment of necessary charges

WEB COPY

CRL OP.2264/2021

Date :10/02/2021

RVR 11/02/2021