

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3493 of 2021

1. Vagaram @ Vikram
2. Praveenkumar @ Praveen
3. Mathanlal
4. Rameshkumar @ Ramesh
5. Lakshmanjee @ Lakshmanram ... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Velur Police Station,
Namakkal Dt.
(Crime No.98 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.98 of 2021 on the file of respondent police.

For Petitioners : Mr.W.Camyles Gandhi

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

O R D E R

(The case has been heard through video conference)

Totally, there are five accused and the petitioners are arrayed as A1 to A5. The petitioners, who were arrested and remanded to judicial custody on 18.01.2021 for the offence punishable under Sections 273, 328 of I.P.C. U/s. 7, 20(i) of Cigarette and other Tobacco Products Act, 2003 and 52, 59 of Food Safety Act, 2006 in Crime No.98 of 2021, seeks bail.

2. The case of the prosecution is that the petitioners were found in possession of 818 kgs. of banned tobacco products. Hence, a criminal has been registered against the petitioners, they were arrested and remanded to judicial custody on 18.01.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioners would submit that they are innocent persons and they are no way connected with the offence as alleged in the complaint. He would submit that they have been falsely implicated in the present case. He would submit that even as per the F.I.R., only on suspicion, they were arrested and they are in jail from 18.01.2021. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose this petition on the ground that all the petitioners are from Rajasthan, and the respondent police has recovered 818 kgs. of banned tobacco products from the house of the 1st petitioner. She would also submit that if the petitioners are released on bail, they are likely to abscond. She would submit that there is no previous case pending against the petitioners, and the investigation is also almost completed. Hence, she opposed to grant bail to the petitioners.

5. Taking into consideration of the fact that, now the tobacco has been seized, the investigation is almost completed, there is no bad antecedents against the petitioners, and also considering the period of incarceration suffered by the petitioners for more than a month, 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 that the petitioners shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in total to the Dolour's High School for the Deaf, Ponmalaipatti, Trichy-620 004, (Contact : St. Josephine Mary - 90981 73241) A/c.No.700188917 IFSC.No. IDIB000G011 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, Paramathy 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, on their release from prison, shall report before the respondent police daily at 10.30 a.m. until further orders ;

(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/-
23/02/2021

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,
PARAMATHY.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VELUR POLICE STATION,
NAMAKKAL DISTRICT.

6 THE DOLOURS HIGH SCHOOL FOR THE DEAF,
PONMALAIPATTI, TRICHY-620 004,
(CONTACT : ST.JOSEPHINE MARY- 90981 73241)
A/c.No.700188917 IFSC.No. IDIB000G011

+1CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR NO.2158

CRL OP.3493/2021

Date :23/02/2021

MK:24/02/2021