

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3760 of 2021

1. Baskar
2. Saravanan

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
R-5 Virugambakkam Police Station,
Chennai-92.
(Crime No.43 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.43 of 2021 on the file of respondent police.

For Petitioner : 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)

Totally, there are two accused and the petitioners are arrayed as A1 and A2. The petitioners, who were arrested and remanded to judicial custody on 15.02.2021 for the offence punishable under Sections 328 of I.P.C.r/w 6(a) of Cigarette and other Tobacco Products Act, in Crime No.43 of 2021, seeks bail.

2. The case of the prosecution is that on information, the respondent police has conducted a raid and found that both the petitioners have kept 377 kgs. of banned tobacco products in their godown and seized the same. Hence, the criminal case has been registered against the petitioners, they were arrested and remanded to judicial custody on 15.02.2021. 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 have been falsely implicated in this case. He would submit that they are no way connected with the offence of having possession of banned tobacco products and the petitioners are in jail from 15.02.2021. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that the petitioners are having godown, in which, they have illegally put up the banned tobacco products. She would also submit that the 2nd petitioner is having one previous case and totally, 377 kgs. of banned tobacco products have been seized. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances and also considering the period of incarceration suffered by the petitioners from 15.02.2021, 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 deposit a sum of Rs.10,000/- in total to Anandha Kuzanthaikal Rehabilitation Centre, MR Special Residential School Home, 12 a/1b, Melpatti Road, Kakathopu Village, Chettikkupam Post, Gudiyatham, Vellore Dt. (Contact : Mobile No.90478 18174), A/c.No.950101028130 IFSC.No. CNR B0000950 and also 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 XXIII Metropolitan Magistrate, Saidapet, Chennai, 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/-
01/03/2021

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 METROPOLITAN MAGISTRATE NO.XXIII,
SAIDAPET, CHENNAI-600 015.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI[FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, SAIDAPET, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
R-5, VIRUGAMBAKKAM POLICE STATION,
CHENNAI.

6 ANANDHA KUZANTHAICAL REHABILITATION CENTRE,
MR SPECIAL RESIDENTIAL SCHOOL HOME,
12 A/1B, MELPATTI ROAD, KAKATHOPU VILLAGE,
CHETTIKKUPAM POST, GUDIYATHAM, VELLORE DT.
(CONTACT : MOBILE NO.90478 18174),
A/C.NO.950101028130 IFSC.NO. CNR B0000950

+1CC to M/S.N.SENTHIL KUMAR Advocate on payment of necessary charges SR NO.2547

CRL OP.3760/2021

Date :01/03/2021

MK:02/03/2021

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