

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4822 of 2021

Govindan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Sathangadu Police Station,
Thiruvallur Dt.
(Crime No.42 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.42 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.M. Lourdu Savio

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

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 06.02.2021 for the offence punishable under Section 328 of I.P.C r/w 20(1) of Cigarette and other Tobacco products Acts 2003 in Crime No.42 of 2021, seeks bail.

2. Totally, there are four accused in this case and the petitioner is arrayed as A3. The allegation is that the petitioner said to have transported 10,180 kgs of banned tobacco products worth about Rs.50,00,000/-. Hence, the petitioner was arrested on 06.02.2021 and a case has been registered against the petitioner. Now, he has filed this petition seeking for bail.

3. The learned counsel for the petitioner would submit that the petitioner is the driver of a lorry and on instructions of the owner of the lorry he has transported the goods and he is not aware of the fact that the goods are banned tobacco products. He would further submit that the petitioner was in jail for more than 30 days. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the driver of the lorry and he has transported 10,180 kgs of banned tobacco products worth about Rs.50,00,000/-. She would submit that he is judicial custody for the past 30 days. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the petitioner is driver of the vehicle, only on the instructions of the owner of the lorry he had transported the goods and also considering the period of incarceration suffered by the petitioner from 06.02.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is 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 Court, Thiruvotriyur 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 petitioner, on his release from prison, shall report before the respondent police daily at 10.30 a.m., for the period of two weeks;

(d) the petitioner shall not commit any offences of similar nature;

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

(f) the petitioner 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 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 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/-
10/03/2021

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 JUDICIAL MAGISTRATE COURT,
THIRUVOTRIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SATHANGADU POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, PONNERI.

CC to M. Lourdu Savio Advocate on payment of necessary charges

WEB COPY

CRL OP.4822/2021

Date :10/03/2021

MN-11/03/2021