

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4700 of 2021

1. Chatrararam  
2. Lukaram

... Petitioners

Vs.

State Rep. by  
The Inspector of Police,  
Uthukottai Police Station,  
Tiruvallur District.  
(Crime No.33 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.33 of 2021 on the file of the respondent police.

For Petitioner : Mr. C. Mohan Raj

For Respondent : Mrs. M. Prabhavathi,  
APP

ORDER

**(The case has been heard through video conference)**

The Petitioners, who were arrested and remanded to judicial custody on 11.01.2021 for the offence punishable under Sections 294 (b), 353, 307 and 328 of IPC r/w. 6(b) and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.33 of 2021, seeks bail.

2. The petitioners are arrayed as A1 and A2. The allegation is that all the accused had transported 375 Kgs of banned Tobacco products, worth about Rs.2,60,000/- illegally, without any valid license. When the respondent police stopped the vehicle, the accused persons tried to dash the vehicle against the police persons. Hence, the crime was registered and the petitioners were arrested on 09.02.2021.

3. The learned counsel appearing for the petitioners would submit that the petitioners are only employees and they were asked by the owner to transport the goods from one place to another place, and without knowing that it was banned Tobacco Products, they have transported the same. They have not committed any offence as alleged

by the prosecution. Even as per the First Information Report, no one sustained injury, and no damage caused to any one. He would further submit that the petitioners are in judicial custody since 09.02.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioner and other accused were illegally transported 375 kgs of banned Tobacco products, worth Rs.2,60,000/- illegally, without obtaining proper license. That apart, when the police persons stopped the vehicle, they were trying to dashed the vehicle against the police persons. Hence, she vehemently opposed for grant of bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact that the petitioners are claiming to be employees 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) each with two local sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthukottai, Tiruvallur District 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 release from the 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/-  
16/03/2021

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,  
UTHUKOTTAI, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
UTHUKOTTAI POLICE STATION, TIRUVALLUR  
DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAI, CHENNAI.

CC to M/S.C.MOHAN RAJ Advocate on payment of necessary charges

WEB COPY  
CRL OP.4700/2021  
Date :16/03/2021

MN-17/03/2021