

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2021

CORAM :

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4993 of 2021

Killmanbabu @ Hillmanbabu

... Petitioner

Vs.

The State Represented by,
The Inspector of Police
Sathangadu Police Station
Tiruvallur District
(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 on the file of respondent police.

For Petitioner : Mr.T.K.Sathia Seelam

For Respondent : Mr.M.Prabhavathi
Additional Public Prosecutor

ORDER

Petitioner, who was arrested and remanded to judicial custody on 11.02.2021, for the offence punishable under Sections 328 of IPC r/w 20(1) of Cigarette and other Tobacco Products Act 2003, in Crime No.42 of 2021, seeks bail.

2. There are totally four accused in this case and the petitioner is A4. The allegation is that all the accused had transported 10106 Kgs of banned Tobacco products, worth Rs.50,00,000/- illegally, without any valid license. The lorry was waylaid by the respondent and the petitioner was arrested on 11.02.2021. Hence, the crime was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the driver of the vehicle. He would further submit that he had only transported the goods without knowing anything about the goods in the lorry. He would further submit that the similarly placed co-accused/A3 in this case, was released on bail. He would further submit that the petitioner is in judicial custody since 11.02.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner and other accused were illegally transporting 10106 Kgs of banned Tobacco products, worth Rs.50,00,000/- illegally, without obtaining proper license. Hence, she vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also taking note of the fact that the petitioner is the driver of the vehicle, and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a separate 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, 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 shall report before the respondent police daily as and when required for interrogation.

(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/-

12/03/2021

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,
THIRUVOTRIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

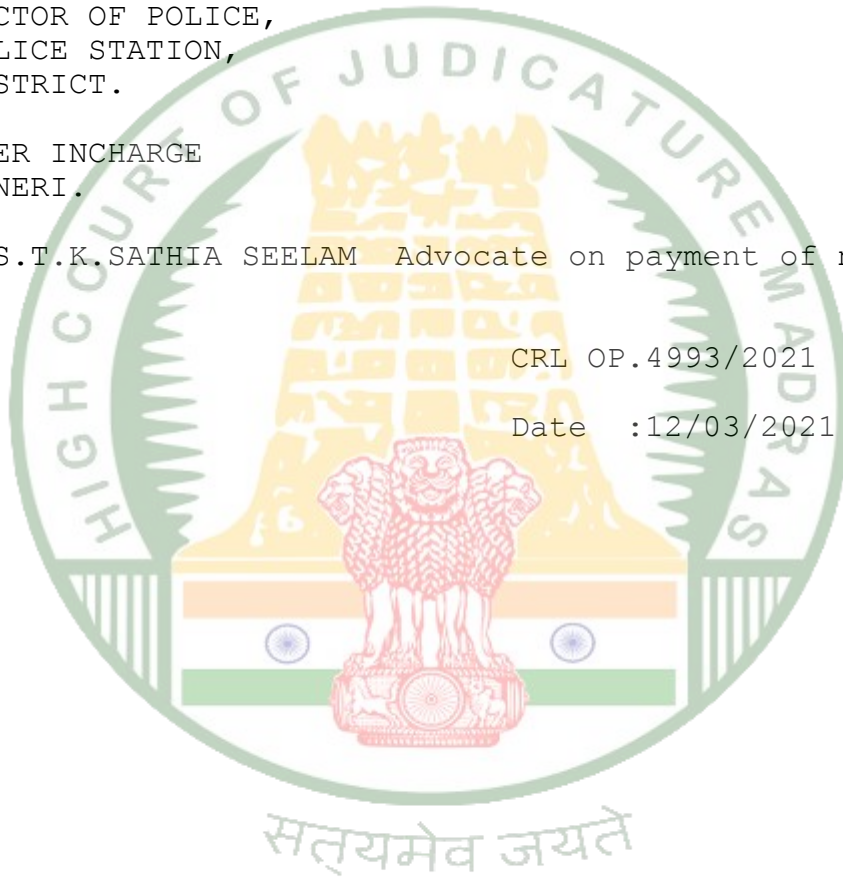
5 THE OFFICER INCHARGE
SUB JAIL, PONNERI.

CC to M/S.T.K.SATHIA SEELAM Advocate on payment of necessary
charges

CRL OP.4993/2021

Date :12/03/2021

TA-15/03/2021



WEB COPY