

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5627 of 2021

1. Siranjeevee
2. Selvaraj

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Royakottai Police Station,
Krishnagiri District
(Crime No.50 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.50 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.M. Jayachandran

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

ORDER

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 08.03.2021 for the offence punishable under Sections 273, 328 of I.P.C r/w Section 7 and 20(1) of Cigarettee and Others TOBACCO Products Act, 2003 in Crime No.50 of 2021, seeks bail.

2. Totally, there are five accused in this case and the petitioners herein are A1 and A2. The allegation is that the petitioners said to have transported 2010 kgs of banned tobacco products worth about Rs.10,82,300/-. Hence, the petitioners were arrested on 08.03.2021 and a case has been registered against the petitioners. Now, they have filed this petition seeking for bail.

3. The learned counsel for the petitioners would submit that the petitioners are only driver and load man of the lorry and on instructions of the owner of the lorry they have transported the goods

and they are not aware of the fact that the goods are banned tobacco products. He would further submit that the petitioners are in jail for more than 10 days. Hence, he seeks for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are the driver and load man of the lorry and they have transported 2010 kgs of banned tobacco products worth about Rs.10,82,300/-. She would submit that the owner of the lorry is yet to be arrested. Hence, she opposed to grant bail to the petitioners.

5. Taking into consideration of the fact that the petitioners are driver and load man of the vehicle, only on the instructions of the owner of the lorry they have transported the goods 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Denkanikottai 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., for the period of three weeks, thereafter as and when required for interrogation.

(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/-
22/03/2021

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,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ROYAKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

+1 CC to M/S. M.JAYACHANDRAN Advocate on payment of necessary charges SR.NO.3801.

CRL OP.5627/2021

Date :22/03/2021

EP-23/03/2021

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