

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.7952 of 2021

1.Gajendiran
2.Gaja
3.Raji

... Petitioners

Vs.

The State
Rep by Inspector of Police,
M-4, Red Hills Police Station,
Chennai.
(Crime No.116 of 2021)

.... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in Crime No.116 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.I.Javid Akbar

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

The petitioners who were arrested and remanded to judicial custody on 21.03.2021 for the offence under Sections 7, 20(2) of Cigarette and Other Tobacco Products Act, 2003 and Section 328 of I.P.C. in Crime No.116 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the petitioners were found in possession of 7655 Kgs. of banned tobacco.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioners are ready to deposit a sum of Rs.3,00,000/- to the Dean, Rajiv Gandhi Government General Hospital, Chennai and a sum of Rs.2,00,000/- to the Medical Officer/Dean, Government Hospital, Tiruvallur, to enable the Medical Officer/Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients.

4. Heard the submissions made by the learned Additional Public Prosecutor.

5. Considering the fact that the petitioners are ready to deposit a sum of Rs.3,00,000/- to the Dean, Rajiv Gandhi Government General Hospital, Chennai and a sum of Rs.2,00,000/- to the Medical Officer/Dean, Government Hospital, Tiruvallur, for the purpose of treating the COVID-19 patients, I am inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate - II, Ponneri and on further condition that:

(a) the petitioners shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) through demand draft drawn in favour of the Dean, Rajiv Gandhi Government General Hospital, GH Post Office, 3, Poonamallee High Road, Near Chennai Central, Near Park Town, Chennai - 600 003 and a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) through demand draft drawn in favour of the Medical Officer/Dean, Government Hospital - Tiruvallur, SH 57, Hariram Nagar, Poonga Nagar, Kakkalur, to enable the Medical Officer/Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients. The challan/receipt of such payments shall be produced at the time of executing the bond.

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

(f) on breach of any of the aforesaid conditions, the learned 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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

28/04/2021

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,
NO-II, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
M-4, RED HILLS POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, PONNERI

6 THE DEAN, RAJIV GANDHI
GOVERNMENT GENERAL HOSPITAL, सतयमेव जयते
GH POST OFFICE, 3, POONAMALLEE HIGH ROAD,
NEAR CHENNAI CENTRAL,
NEAR PART TOWN, CHENNAI - 600 003.

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7 THE MEDICAL OFFICER/DEAN,
GOVERNMENT HOSPITAL-TIRUVALLUR,
SH 57, HARIRAM NAGAR, POONGA NAGAR,
KAKKALUR.

+2 CC to M/S.M.I.JAVID AKBAR Advocate on payment of necessary
charges Sr.5439

CRL OP.7952/2021

Date :28/04/2021

RVR 29/04/2021



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