



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12667 of 2021

1. Ajazpazha
2. Yarab

... Petitioners

Vs.

The State Represent by
The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.
Crime No.224 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in connection with the case in Cr.No.224 of 2021 pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.P.Saravanan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioners, who were arrested on 10.07.2021 and remanded to judicial custody for the offence under Section 328 of IPC and Section 7 and 20(1) of Cigarette and other Tobacco Products Act 2003 and Section 52 and 59 of Food Safety and Standards Act 2006 in Cr.No.224 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 10.07.2021, when the respondent police were conducted on their regular patrol duty, the petitioners were illegally transported 36,000 pockets of tobacco products and the same was seized by the respondent police and registered a case against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they are driver and cleaner of the vehicle and they have been falsely implicated in this case and the petitioners have been in jail from 10.07.2021. However, the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.1,50,000/- for the purpose of maintaining the Adyar Cancel Institute hospital, Chennai. Therefore, he prays to grant bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submitted that the petitioners were illegally transported 36,000 pockets of prohibited tobacco products worth about Rs.1,18,000/- and there is no previous case pending against them.

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5. Considering the period of incarceration suffered by the petitioners and also the present COVID-19 pandemic situation and there is no previous case pending against them, 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 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, Hosur;

(b) the petitioners shall make a non refundable deposit of Rs.1,50,000/- (Rupees One lakh and fifty thousand only) jointly to the credit of the Dean, Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai-600 020, bearing A/c. No.149710011005477, Andhra Bank, Madhya Kailash Branch;; without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(c) 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;

(d) the petitioners are directed to appear before the respondent police daily morning at 10.30 am until further orders;

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

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

(g) 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;



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

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-sd/-
23/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE DEAN, CANCER INSTITUTE
(WIA), REGIONAL CANCER CENTRE) ADYAR,
CHENNAI-600 020.

CC to M/S. M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.12667/2021

Date :23/07/2021

RVR 26/07/2021