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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12937 of 2021

1. Raji
2. Arulkumar
3. Harish
4. Rajasekar
5. Karnan

... Petitioners

Vs.

The State
Rep by Inspector of Police,
Minjur Police Station, Chennai.
(Crime No.517 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 Crime No.517 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.I,Javid Akbar

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

ORDER

The petitioners who were arrested on 08.07.2021 and remanded to judicial custody for the offences under Sections 294(b), 353, 328 of IPC r/w Sections 7 and 20(2) of Cigarette and Other Tobacco Products Act 2003, in Crime No.517 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners had transported 7410 kg of banned tobacco products worth about of Rs.45,78,240/- Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 08.07.2021. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready to deposit an amount of Rs.1,00,000/- to the Adyar Cancer Hospital and Research Institute, Adyar, Chennai. Therefore, he prays to grant bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that there is no previous case pending as against the petitioners.

5. Considering the period of incarceration suffered by the petitioners and there is no previous case pending as against the petitioners,, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing 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=II, Ponneri, .and on further condition that:

(a) the petitioners shall make a non-refundable deposit of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Adyar Cancer Hospital and Research Institute, Adyar, Chennai, without prejudice to their defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgment, shall accept the sureties furnished by the petitioners;

(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.

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-sd/-

27/07/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
MINJUR POLICE STATION,
CHENNAI.

5 THE ADYAR CANCER HOSPITAL AND
RESEARCH INSTITUTE, ADYAR, CHENNAI

6 THE OFFICER INCHARGE,
SUB JAIL, PONNERI

+2 CC to M/S. M.I.JAVID AKBAR Advocate on payment of necessary charges Sr.7766

CRL OP.12937/2021

Date :27/07/2021

RVR 28/07/2021