



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15882 of 2021

1. Gunasekaran
2. Antony Peter @ Anthony Raj Peter
3. Navaraj
4. Antony Jegan
5. Dhanaraju
6. Surya

... Petitioners

Vs.

The State
rep.by Inspector of Police,
Palladam Police Station,
Tiruppur
(Crme No.1545 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.1545 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.P. Udhayakumar

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

ORDER

The petitioners who were arrested on 16.08.2021 and remanded to judicial custody for the offences under Sections 273,328 of IPC r/w Sections 7(1) and 20(2) of Cigarette and other Tobacco Products Act 2003 and Sections 51 and 63(b) of Copyright Act, 1957 in Crime No.1545 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused persons were found in illegal possession of 11,302 kgs of banned tobacco products. 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 16.08.2021. He further submits that the petitioners are only workers deputed to transport the goods. However, on instructions, the learned counsel further submitted that the petitioners without prejudice their rights, on their own volition, are ready and willing to contribute a sum of Rs.2,00,000/- for the purpose of improving and maintaining the Government Schools. Therefore, he prays to grant bail to the petitioners.

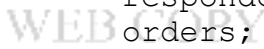
4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that there is no previous case pending as against the petitioners. However, he vehemently opposed for grant of bail to the petitioners.

5. Considering the facts of the case and also considering the fact that there is no previous case pending against the petitioner and also considering the period of incarceration suffered by the petitioners this Court is inclined to grant bail to the petitioners with certain 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 Court at Palladam, and on further condition that:

(a) the petitioners shall jointly make a non-refundable deposit of Rs.2,00,000/- (Rupees two lakh only) by way of demand draft to the credit of the Chief Educational Officer, Tiruppur District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, 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/acknowledgement, 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;



<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE JUDICIAL MAGISTRATE COURT,
PALLADAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, ERODE.

4 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE CHIEF EDUCATIONAL OFFICER,
TIRUPPUR.

+2CC to M/S.P.UDHAYAKUMAR Advocate on payment of necessary
charges SR NO.9491

CRL OP.15882/2021

Date :03/09/2021

MK:03/09/2021