

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE Mr.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.20758 of 2020

Sajee prasad

... Petitioner

Vs.

State represented by,
Inspector of Police,
Mangalam Police Station,
Tiruppur District.
(Crime No.1437/2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. praying to enlarge the petitioner on bail in respect of the offences the under Sections 273, 328 of IPC and Sec 7(1), 20(2) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.1437 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Vinoth Kumar

For Respondent : Mr.C.Iyyapparaj

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 05.11.2020 for the alleged offences punishable under Sections 273, 328 of IPC r/w Section 7(1), 20(2) of Cigarette and other Tobacco Products Act, 2003 in Crime No.1437 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 3.75 tonnes of banned Tobacco products worth about Rs.22,00,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. On instructions, he would further submit that taking into consideration of the Covid pandemic situation, the petitioner

without prejudice to his defence, is prepared to make considerable donation to any charitable Organization or Association, and that the petitioner has been suffering incarceration from 05.11.2020.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner along with the other accused was illegally found in possession of 3.75 tonnes of banned tobacco products worth about Rs.22,00,000/-.

5. In order to curb the illegal activities and taking into consideration of the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioner shall be directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) as non-refundable deposit through RTGS/NEFT in favour of the **The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c.No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856**, on such payment and production of proof, he shall be released on bail on further condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum sum to the satisfaction of the the learned Judicial Magistrate-IV, Tiruppur, and on further conditions that;

(a) Merely, because the petitioner deposit the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, every Monday and Friday at 10.30 a.m., until further orders.

(c) 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;

(d) the petitioner shall not commit any offences of similar nature;

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

(f) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

05/01/2021

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-IV, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE SUPERINTENDENT, CENTRAL PRISON, COIMBATORE

5 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION, TIRUPPUR.

6 THE DEAN, RAJIV GANDHI GOVERNMENT GENERAL HOSPITAL,
CHENNAI, BEARING A/C.NO.10273425961,
STATE BANK OF INDIA, PARK TOWN (CHENNAI), 68,
EVENING BAZAAR ROAD, CHENNAI,

CC to M/S S.VINOTH KUMAR Advocate on payment of necessary charges

CRL OP.20758/2020

Date :05/01/2021

GKS:05/01/2021