



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19555 of 2021

1. Vengal Reddy
2. Sheshaiah

... Petitioners

Vs.

The State
Rep by Inspector of Police,
E-3, Minjur Police Station,
Chennai
(Crime No.616 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.616 of 2021 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 26.09.2021 and remanded to judicial custody for the offences under Sections 294(b), 353 IPC r/w Sections 24(1) of Cigarette and Other Tobacco Products Act, 2003 IPC in Crime No.616 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were involved in illegal transportation of banned tobacco products namely Swagat gold, Vimal, Hans, V1, Mirage, Cool lip, Vimal Saffrib blended by using Eicher lorry. 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 29.08.2021. However, on instructions, the learned



counsel further submitted that the petitioners, without prejudice their rights, on their own volition, are ready to deposit an amount of Rs.50,000/- (Rs.25,000/- each) in favour of "The Commissioner, Greater Chennai Corporation for the purpose of improving and maintaining the Corporation Schools under the control of Greater Chennai Corporation, Rippon Building, Chennai".

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that there are no previous case pending as against the petitioners and A1 in this case was absconding. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the period of incarceration suffered by 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 separate bonds 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 No.II, Ponneri, . and on further condition that:

(a) the petitioners shall make a non-refundable deposit of Rs.50,000/- [Rupees Fifty Thousand Only (Rs.25,000/- each)] to the credit of The Commissioner, Greater Chennai Corporation for the purpose of rehabilitation and improvement of the basic needs of the Corporation Schools under the control of Greater Chennai Corporation, Rippon Building, Chennai under necessary acknowledgment, 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.

-sd/-

20/10/2021

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 DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, PONNERI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
E-3, MINJUR POLICE STATION,
CHENNAI.

6 The Commissioner,
Greater Chennai Corporation for the
purpose of improving and maintaining
the Corporation Schools under the control of
Greater Chennai Corporation, Rippon Building, Chennai".

+2 CC to M/S.P.UDHAYAKUMAR Advocate on payment of necessary
charges SR.NO.11475

CRL OP.19555/2021

Date :20/10/2021

RW 21/10/2021