



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2021

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21098 of 2021

1. Sriram .. Petitioners/Accused 1 & 2
2. Baranidharan

Vs.

State rep. by
The Inspector of Police
Peralam Police Station
Tiruvarur District.
(Cr.No.992 of 2021)

...Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.992 of 2021 on the file of the respondent.

For Petitioners : M/S.N.Palanivel

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 24.09.2021 for the offences under Sections 279, 328 of IPC, Section 7 read with 20(1) of Cigarettes and Other Tobacco Products Act, 2003 in Crime No.992 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 23.09.2021 at about 2.00 p.m., when the Inspector of Police, Peralam Police Station is on duty of vehicle searching at Peralam Railway Gate, Thandanthoppu Pirivu Salai near Main Road, they found the petitioners/A-1 and A-2 who are the driver and cleaner of the vehicle trying to ran away from the vehicle and on suspection, the respondent police caught both of them and found that they are in possession of 612 Kgs of banned tobacco products worth about Rs.4,50,000/-. Hence, the complaint.

3. The learned counsel for the petitioners submit that the petitioners are innocent and they have been falsely implicated in this case. He further submits that the petitioners have been



suffering incarceration for more than 47 days from 24.09.2021. He furthermore submits that the co-accused/A-3 had enlarged on bail by this Court in CrI.O.P.No.19991 of 2021 dated 26.10.2021. Hence, he prays for grant of bail to the petitioners.

WEB COPY

4. The learned Government Advocate raised objection stating that the petitioners are found in illegal possession of 612 Kgs of banned tobacco products worth about Rs.4,50,000/-. He further submits that there are no previous cases pending against the petitioners and the vehicle was seized by the law enforcing agency.

5. Considering the fact that the co-accused/A-3/owner had already enlarged on bail and 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 executing 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 District Munsif Cum Judicial Magistrate, Nannilam and on further condition that:

(a) 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;

(b) the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

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

(e) 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;

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

-sd/-

10/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
PERALAM POLICE STATION,
TIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGAPATTINAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S N.PALANIVEL Advocate on payment of necessary charges

CRL OP.21098/2021

Date :10/11/2021

CSK 11/11/2021