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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

CORAM:

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

Cr1.O.P.No.21364 of 2021

1.Bharath
2.Amraram

... petitioners

Vs.

The State rep by
The Inspector of Police
Palladam Police Station
Tiruppur District.
Crime No: 1779 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioners in Crime No. 1779 of 2021 on the file of the respondent police.

For petitioners : Mr.T.Nixon

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 26.10.2021 for the offences under Sections 273, 328 of IPC r/w Sections 7(1) and 20(2) of Cigarette and Tobacco Products Act 2003 in Crime No.1779 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the on 26.10.2021 around 6 a.m near Ukayanoor Road, Paraikuzhi, the respondent police were engaged in regular checking of vehicles. At that time, three persons were found to have 140 kgs. of banned tobacco products worth Rs.50,500/- and also seized the products namely Coolip 10 packets, Hans 130 Packets, ganesh 100 packets, Vimal 400 packets and V-1 Tobacco 400 packets. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and that they have been suffering incarceration for more than 20 days from 26.10.2021. He would further submit that the petitioners are arrayed as A2 and A3 and that A1 has already been granted bail. He would further submit that the petitioners are ready and willing to pay a sum of Rs.5,000/- each to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioners.

4. The learned Government Advocate raised objection and would submit that A1 has been released on bail and that the investigation almost completed.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand Only) each, to the credit of the Registered Advocates Clerks Association, Tiruppur District, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocates.

6. It is made clear that the deposit of the amount by the petitioners to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the period of incarceration undergone by the petitioners and the fact that A1 has been released on bail and the investigation is almost completed, this Court is inclined to grant bail to the petitioners with certain conditions.

8. 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, Palladam, and on further condition that:

(a) the petitioners shall make non-refundable deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) each through demand draft to the Registered Advocates Clerks Association, Tiruppur District, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(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;

(e) 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/-

15/11/2021

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
PALLADAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE



6 THE REGISTERED ADVOCATES
CLERKS ASSOCIATION,
TIRUPPUR DISTRICT

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+1 CC to M/S. T.NIXON Advocate on payment of necessary charges
SR.No.12750

CRL OP.21364/2021

Date :15/11/2021

APN 15/11/2021