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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Cr1.O.P.No.25373 of 2021

1. Sakthivel
2. Palani
3. Sundarraaj
4. Kannadhasan

... Petitioners

Vs.

State rep by
The Sub Inspector of Police,
Dharmapuri Town Police Station,
Dharmapuri District.
(Crime No.1613 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Dharmapuri Police Station in Crime No.1613 of 2021 on the file of the respondent police.

For Petitioners : Mr.S.Chandra Gupthan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)
ORDER

The petitioners who were arrested and remanded to judicial custody on 08.12.2021 for the offences under Section 328 of IPC r/w 6 (a), 24(i) of Cigarette and other tobacco products Act 2003 and Section 77 of JJ Act in Crime No.1613 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioners along with other accused persons involved in illegal transportation of various brands of banned tobacco products. Hence, the complaint.



3. The learned Counsel for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioners, on their own volition, is ready and willing to contribute a sum of Rs.10,000/- to any Charitable Purpose as may be directed by this Court. He further submits that the petitioners have been suffering incarceration for more than 15 days from 08.12.2021. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) submits that the petitioners along with other accused persons involved in illegal transportation of various brands of banned tobacco products and the investigation was almost completed. He further submits that there is no previous cases as against the petitioners and the banned tobacco products were recovered. However, he vehemently opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners and also the fact that the investigation was almost completed and the petitioners have willfully and on their own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, 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 separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate No.I, Dharmapuri and on further conditions that:

(a) the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Registered Advocates Clerks Association, Dharmapuri within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

(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 station on every Sunday 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/-
23/12/2021

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.1, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE,
DHARMAPURI TOWN POLICE STATION,
DHARMAPURI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, DHARMAPURI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE REGISTERED ADVOCATE
CLERK ASSOCIATION, CLERKS ASSOCIATION,
DHARMAPURI.

WEB COPY +1 CC to MR.P.S.CHANDRA GUPTHAN, Advocate on payment of necessary
charges SR.NO.15439

CRL OP.25373/2021

Date :23/12/2021

JPA 23/12/2021