



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

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

Crl.O.P.No.110 of 2022

WEB COPY

1. Dungar Singh
2. Jitu Singh

... Petitioners/A1 & A2

Vs.

State: Rep. by its,
The Inspector of Police,
Karuppur Police Station,
Salem District.
(Crime No. 490 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners/accused on bail in Crime No. 490 of 2021 on the file of the respondent police.

For Petitioners : M/s.C.Deepak Kumar

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

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 17.12.2021 for the offences under Sections 273, 328, 511 of IPC and Sections 57, 59 of food safety and standard Act 2006, Section 77 of JJ Act r/w 24(1) of Cigarette & other Tobacco Product Act 2003, in Crime No.490 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police officials were on their regular vehicle check up, the petitioners were found illegally selling banned tobacco products following which, the respondent police seized 500 packets of Vimal Pan masala each containing 30 Packets, 150 packets of Haans tobacco products each containing 30 packets, 500 packets of Cool Lip Tobacco product each containing 30 packets, 50 packets of Swagath Tobacco product and 400 packets of V1 Tobacco product. 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 the petitioners have been suffering incarceration for more than 15 days from 17.12.2021. He would further submit that the petitioners on their own violation ready to deposit a substantial amount to any charitable institute as may be directed by this Court and would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) vehemently opposed stating that the petitioners were found in possession of banned tobacco products worth about Rs.1,50,000/- but admits that the investigation is almost completed.

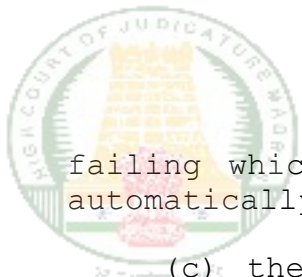
5. Considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand Only) each (Totally Rs.50,000/-) to the credit of the Government Rehabilitation Home for Leprosy Cured, Deviyakuruchi, Salem, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the said Rehabilitation Home for the welfare of the Leprosy Cured persons of the said home and submit the report to the Salem District Collector.

6. It is made clear that the deposit of the amount by the petitioners to the said Rehabilitation Home 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 fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the Petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioners have been confined and thereafter on their release;

(b) the petitioners shall make non-refundable deposit a sum of Rs.25,000/- (Rupees Fifteen Thousand Only) each (Totally Rs.50,000/-), within two weeks of their release from prison, through demand draft to the Government Rehabilitation Home for Leprosy Cured, Deviyakuruchi, Salem, Account No.542231612, Indian Bank, Talaivasal Branch, Chennai-600004, IFSC Code:IDIB000T002 Mobile No.9965025341 / 9080224678 without prejudice to their defence before the trial Court and on such deposit, the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-II, Salem, within 15 days from the date of commencement of the Court's normal functioning,



failing which the bail granted by this Court shall stand dismissed automatically;

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

(e) the petitioners shall not commit any offences of similar nature;

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) 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/-

06/01/2022

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, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)



3 THE INSPECTOR OF POLICE,
KARUPPUR POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE GOVERNMENT REHABILITATION HOME FOR
LEPROSY CURED, DEVIYAKURUCHI, SALEM,
ACCOUNT NO.542231612, INDIAN BANK,
TALAIVASAL BRANCH, CHENNAI-600004,
IFSC CODE:IDIB000T002 MOBILE NO.9965025341 / 9080224678

CC to M/s.C.Deepak Kumar Advocate on payment of necessary
charges

CRL OP.110/2022

Date :06/01/2022

RVR 07/01/2022