



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

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

Cr1.O.P.No.1763 of 2022

1. Mullaram
2. Govind

...Petitioners

Vs.

State rep. by
The Inspector of Police,
E1, Singanallur Police Station,
Coimbatore
(Crime No. 1156 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail, in Crime No. 1156 of 2021 pending investigation on the file of the Respondent police.

For Petitioners : M/s.T.Balaji

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

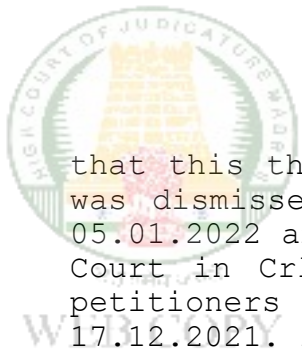
O R D E R

(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 7(1), 20(2) of Cigarette and other Tobacco products Acts, 2003 r/w Section 328 of IPC, in Crime No. 1156 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 17.12.2021 at about 7.15 hrs., p.m., when the respondent police officials were on regular patrol duty, the accused were found transporting banned tobacco products worth about Rs.2,85,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. He would further submit



that this the second application for bail and the earlier application was dismissed by this Court in Crl.O.P.No.50 of 2022 by order dated 05.01.2022 and the co-accused/A2 and A3 have been granted bail by this Court in Crl.O.P.No.567 of 2022 by order dated 12.01.2022 and that petitioners have been suffering incarceration for 40 days from 17.12.2021. Hence, he would pray for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that there are totally 4 accused in this case and the petitioners are arrayed as A1 and A4 and the accused transported 350 kgs. of banned tobacco products worth about Rs.2,85,000/-. He would further submit that the 1st petitioner/A1 is the owner of the tobacco products and the 2nd petitioner/A4 is the employee and distributor and that the petitioners are native of Rajasthan but admits that the co-accused have been granted bail and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the co-accused have been granted bail by this Court and 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 bonds 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 1st petitioner shall make non-refundable deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only), and the 2nd petitioner shall make a non refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the Registered Advocate Clerks Association, Coimbatore, without prejudice to their defence before the trial Court and on such deposit, each of the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No.III, Coimbatore, 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 on every Tuesday 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/-
28/01/2022

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.III, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE.[FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

4 THE INSPECTOR OF POLICE,
E1, SINGANAILLUR POLICE STATION,
COIMBATORE.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATE CLERKS
ASSOCIATION, COIMBATORE.

+1 CC to T.BALAJI Advocate on payment of necessary charges
SR.NO.1307

CRL OP.1763/2022

Date :28/01/2022

RW 28/01/2022