



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

Crl.O.P.No.1859 of 2022

1. Vijayakumar @ Vijaykumar
2. Manikandan

...Petitioners

Vs.

State of Tamil Nadu
rep by The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.
(Crime No. 1458 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. 1458 of 2021 pending investigation on the file of the Respondent police.

For Petitioners : M/s.V.Moorthy for
Mr.B.Pachaiyappan

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

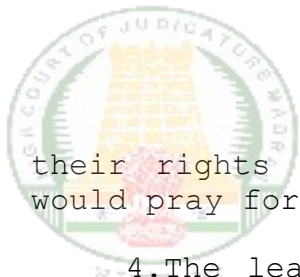
O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 24.12.2021 for the offences under Sections 328 of IPC r/w 24(1), 6 of COTPA Act 2003 in Crime No. 1458 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 24.12.2021, the accused were found transporting banned tobacco products viz., 4500 pockets of Vimal, 4500 pockets of Jartha and 1470 pockets of Hans. 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 a false case has been foisted against them. However, he would submit that the petitioners are ready to deposit a substantial amount to any charitable institute without prejudice to



their rights and contentions as may be directed by this Court and would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would raise objection stating that the petitioners were found transporting banned tobacco products worth Rs.56,700/-. He would further submit that the petitioners are arrayed as A1 and A2 and they are suppliers of the tobacco products and that A3 who is the owner of the products is still absconding but admits that there is no previous case against the petitioners.

5. Considering the fact that there is no previous case against the petitioners and 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 petitioners shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, totally Rs.20,000/- (Rupees Twenty Thousand Only) through demand draft to the Registered Advocate Clerks Association, Chennai, 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-I, Villupuram, 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;

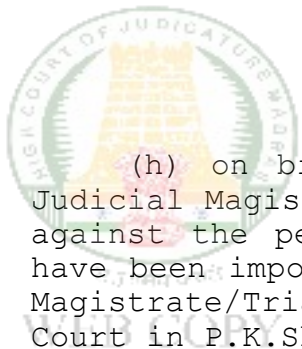
(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(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-I,
VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, GINGEE.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATE CLERKS ASSOCIATION,
CHENNAI.

CC to M/S.B.PACHAIYAPPAN Advocate on payment of necessary charges

CRL OP.1859/2022

Date :28/01/2022

INBA~31/01/2022