



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

Cr1.O.P.No.2483 of 2022

1. Hari Niwas Sharma
2. Kamaraj
3. Panchrm Singh

...Petitioners

Vs.

State Rep by
The Inspector of Police,
Vellavedu Police Station,
Tiruvallur District.
(Crime No. 627 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on the bail pending investigation Crime No. 627 of 2021 on the file of the Respondent police.

For Petitioners: Mr.G.Balamanikandan

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 29.11.2021 for the offences under Sections 294(b), 353, 506 (ii), 328 of IPC r/w 24(1), 6 of Cigarette and other Tobacco Products Act 2003 in Crime No. 627 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 29.11.2021, the petitioners were found illegally transporting 3600 kgs. of banned Tobacco Jarda Parcel in 18 boxes. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are the drivers and cleaner of the 2 lorries which was seized by the police said to be containing banned tobacco products which were brought by them from Uttarpradesh to Chennai Harbour with valid invoices, e-way Bills to be sent to Hamburg, Gernmany by way of shipment. However, when they were wrongfully restrained by the police, due to language problem, the petitioners were unable to explain about the shipment details and subsequently, the respondent police seized the vehicles and registered the case against them. He would further submit that the petitioners have no bad antecedents and they have been suffering incarceration for more than 60 days from 29.11.2021. Hence, he would pray for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would raise objection stating that the petitioners who belong to Uttar Pradesh entered into Tamilnadu with 3600 kgs. of banned Tobacco products where the tobacco products is banned.

5. By way of reply, the learned Counsel for the petitioners produced the Invoices, Packing List which reveals that the consignment was booked at Uttarpradesh and the destination is Germany and the buyer detail is also mentioned as LA REVE General Trading LLC, Dubai, UAE. The e-way bill reveals that the goods were booked for transportation through shipment to CONCOR ICD Chennai,.

6. Considering the above facts and circumstances of the case 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 petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate-II, Poonamallee, 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 as and when required for interrogation.



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

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

(g) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
03/02/2022

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, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.



4 THE INSPECTOR OF POLICE,
VELLAVEDU POLICE STATION,
TIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.BALAMANIKANDAN Advocate on payment of necessary
charges SR.NO.1805

CRL OP.2483/2022

Date :03/02/2022

RW 04/02/2022