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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

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

Crl.O.P.No.4564 of 2022

1.Ramu
2.Siva

... Petitioners

Vs.

The State Rep by:
INSPECTOR OF POLICE,
Omalar Police Station,
Salem District.
(Crime No.872 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.872 of 2021 on the file of the respondent.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.L.Baskaran
Government Advocate (Crl side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 08.12.2021 for the offences under sections 7, 20(1) of COTPA Act 2003, and Section 52, 59 of Food Safety and Standards Act 2006 and under Sections 273, 328 of IPC in Crime No.872 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners illegally transported 50 bags of contraband tobacco products. Hence, the complaint.

3. The learned Counsel for the petitioners submit that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners are suffering incarceration for more than 77 days from 08.12.2021. However, on instructions, the



learned counsel further submitted that the petitioner, on their own volition, are ready and willing to contribute some amount to any charitable trust. Hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate (Crl side) raised objection stating that the petitioners illegally transported 1870 kgs of contraband tobacco products worth about Rs.11,69,928/- and further submitted that the investigation almost completed and there are no previous cases pending against these petitioners . However, he opposed grant of bail to the petitioners.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also considering the period of incarceration undergone by the petitioners and the investigation was almost completed and there are no previous cases pending against these petitioners, this Court is inclined to grant bail to the petitioners with conditions.

(a) [a] the petitioners are directed to deposit totally a sum of Rs.50,000/- each (Rupees Fifty Thousand only) to the credit of the Sri Ramakrishna Math, 31, Ramakrishna Mutt Rd, Alamelu Manga Puram, Sankarapuram, Mylapore, Chennai, and the same is utilized for rehabilitation of Leprosy People 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 petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Omalur.

(c)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;

(d) the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., until further orders;

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

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

(g)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;



(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
25/02/2022

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,
OMALUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

4 THE INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 SRI RAMAKRISHNA MATH,
31, RAMAKRISHNA MUTT RD,
ALAMELU MANGA PURAM,
SANKARAPURAM, MYLAPORE, CHENNAI.

+1 CC to M/S. M.JAYACHANDRAN Advocate on payment of necessary charges SR.NO. 3006

CRL OP.4564/2022

Date :25/02/2022

RW 28/02/2022