



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.6450 of 2022

1.R.Gopal Gowda
2.V.Krish
3.K.Manjunatha

... Petitioners

Vs.

The State by:-
The Inspector of Police,
Deevattipatti Police Station,
Salem District
(Crime No.62 of 2022)

... Respondent

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.62 of 2022 on the file of the respondent police.

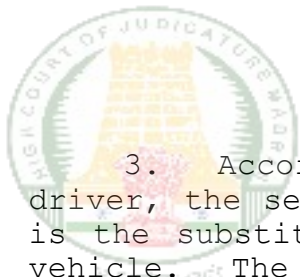
For Petitioners : Mr.M.Arumugam

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 30.01.2022 for the offences punishable under Sections 7, 20 (1) of COTPA Act r/w 273 and 328 of IPC in Crime No.62 of 2022, on the file of the respondent police, seek bail.

2. On 29.01.2022, a container lorry bearing registration number KA01AJ8247 was stopped at the check-post at Deevattipatti, Salem district and during the check up, the banned tobacco products worth Rs.10,00,000/- was seized. The petitioners who transported the banned goods were arrested.



3. According to the petitioners, the first petitioner is the driver, the second petitioner is the cleaner and the third petitioner is the substitute driver and they did not know the contents of the vehicle. The vehicle was entrusted to them at Bangalore to deliver the goods at Salem. On the way, the vehicle was intercepted and the goods were recovered and they are innocent persons and employed by the owner of the lorry and they did not even know who is the owner of the goods.

4. The learned Additional Public Prosecutor says that the owner of the goods and the owner of the lorry who are arrayed as A4 and A5 are still absconding and evading arrest.

5. This Court on 28.02.2022, while considering the bail petition, considered the fact that the owner of the contraband and owner of the vehicle are not arrested and dismissed the bail petition. But even after more than three weeks, the respondent Police could not trace the owner of the vehicle and the owner of the contraband. For their incapability, these petitioners cannot be detained in prison forever.

6. Considering the above facts, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(a) each of the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Omalur

(b) each of the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No. 62 of 2022, on the file of the respondent police and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner. The final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

(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 are directed to appear before the Investigating Officer daily 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 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];

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

-sd/-
21/03/2022

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.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

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

4 THE OFFICER INCHARGE,
ATHUR PRISON, SALEM.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.ARUMUGAM Advocate on payment of necessary charges
SR.NO.4280

CRL OP.6450/2022

Date :21/03/2022

JPA 22/03/2022