



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.11815 of 2022

1 DHAKSHNAMOORTHY [PETITIONERS / ACCUSED]
2 KUMARESAN
3 ARULKUMAR
4 PONNUDURAI

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
PONNERI POLICE STATION,
CHENNAI.
(CRIME NO.105 OF 2022)

For Petitioners : M/S.P.UDHAYAKUMAR Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 13.04.2022 for the alleged offences under Sections 294(b), 353 and 328 of IPC r/w Sections 7 and 20(2) of Cigarette and other Tobacco Products Act, 2003 in Crime No.105 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners are drivers and coolies of the Eicher lorry vehicle which is said to have transported banned tobacco products. Hence, the respondent police seized the contraband products and arrested the accused persons.

3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioners.



4. Learned Additional Public Prosecutor submitted that there are totally 6 accused persons in this case, A5 and A6 are owners of contraband products and 4 tonnes of contraband, which is valued around Rs.12,00,000/- were seized. Further he submitted that, A5 and A6 are yet to be arrested. Hence, he vehemently opposed for granting bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioners are only employees and coolies, who have been arrested and remanded to judicial custody on 13.04.2022 and the petitioner has already suffered incarceration for nearly 42 days, this Court is inclined to grant bail to the petitioners subject to following conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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-I, Ponneri and the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) before the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and on further conditions that:-

[a] 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.

[b] the petitioners shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) before the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioners shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
25/05/2022

WEB COPY

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.I, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PONNERI POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE CANCER INSTITUTE (WIA)
EAST CANAL BANK ROAD, ADYAR,
CHENNAI.

+2 CC to M/S.P.UDHAYAKUMAR Advocate on payment of necessary charges SR.NO.7845

CRL OP.11815/2022

Date :25/05/2022

JPA 26/05/2022