



Crl.OP.No.21868,21876 & 21884 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.21868,21876 & 21884 of 2022

1. AmarjitKumarsingh

2. Anilkumarsowtha

3. Sunilkumarsoni

4. DevendarSingh ... Petitioners in Crl.O.P.No.21868 of 2022

1. Anilkumar Sowtha

2. Sagadoss ... Petitioners in Crl.O.P.No.21876 of 2022

Satishkumar ... Petitioners in Crl.O.P.No.21884 of 2022

Vs.

The State represented by,
The Inspector of Police,
P5, M.K.B. Nagar Police Station,
Chennai.

(Crime No.618/2022). ... Respondent in all Crl.O.P.Nos.



Crl.OP.No.21868,21876 & 21884 of 2022

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COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners on bail pending investigation in connection with the Crime No.618 of 2022 on the file of the respondent.

In Crl.O.P.No.21868 of 2022,

For Petitioners : Mr.D.Kannan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

In Crl.O.P.Nos.21876 & 21884 of 2022,

For Petitioners : Mr.S.Mohanasundaram

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.08.2022 for the offences punishable under Sections 294(b), 353 & 328 of IPC and Section 24(1) of Cigarette and other Tobacco Products Acts, 2003, in Crime No.618 of 2022 on the file of the respondent police, seek bail.



Crl.OP.No.21868,21876 & 21884 of 2022

WEB COPY

2. The case of the prosecution is that on 18.08.2022, while the respondent Police and his team were on routine rounds, the petitioners were found in possession of 970 kilograms of Jartha tobacco. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and a false case has been registered against them. He would submit that without prejudice, the petitioners are prepared to deposit some considerable amount to any welfare scheme of the Government and hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that when the respondent Police and his team were on routine rounds, the petitioners were found in possession of 970 kilograms of Jartha tobacco. He further submitted that there is no previous case against the petitioners. Hence, he opposed for grant of bail to the petitioners.



Crl.OP.No.21868,21876 & 21884 of 2022

WEB COPY

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. In order to curb the illegal activities of smuggling of tobacco products, this Court is of the opinion that the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)each as non refundable deposit to "The Dean, Rajiv Gandhi Government General Hospital, Chennai" without prejudice to their rights and contentions before the trial Court.

7. Merely, because the petitioners deposits the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has prepared to deposit Rs.25,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.



Crl.OP.No.21868,21876 & 21884 of 2022

WEB COPY

9. The learned counsel for the petitioners in Crl.O.P.No.21868 of 2022 would submit that he is not pressing this petition in respect of the second petitioner and he has also made an endorsement to that effect.

10. In view of the endorsement made by the learned counsel appearing for the petitioners, this Criminal Original Petition in Crl.O.P.No.21868 of 2022 in respect of the second petitioner is dismissed as not pressed.

11. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.25,000/- each (Rupees Twenty Five Thousand only) by way of Demand Draft/RTGS/NEFT to the credit of the Dean, Rajiv Gandhi Government General Hospital, Chennai**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing a bond each for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties**, for a like sum to the satisfaction of the **learned X Metropolitan Magistrate, Egmore, Chennai** and on further conditions that:



Crl.OP.No.21868,21876 & 21884 of 2022

[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 report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

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

[e] 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]**;

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

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Crl.OP.No.21868,21876 & 21884 of 2022

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1. The X Metropolitan Magistrate,
Egmore, Chennai
2. The Inspector of Police,
P5, M.K.B. Nagar Police Station,
Chennai.
3. The Central Prison
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.21868,21876 & 21884 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.21868,21876 & 21884 of 2022

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