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Crl.O.P.No.23421 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM

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

Crl.O.P.No.23421 of 2022

1. Saravanan

2. Ameethalingam

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thally Police Station.
Krishnagiri District.

(Crime No.234/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.234 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.J.Pradeep

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.09.2022 for the offences punishable under Sections 6, 20(1) of Cigarette and other Tobacco Products Acts, 2003 r/w Section 328 of IPC, in Crime No.234 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the respondent Police and his team were on routine rounds, they found that the petitioners had illegally transported 87.240 kilograms of banned tobacco products, worth about Rs.55,000/-. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would also submit that without prejudice, the petitioners are prepared to deposit the considerable amount as non-refundable deposit to any welfare scheme of the Government and hence, he prays for grant of bail to the petitioners.



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4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners have illegally transported 87.240 kilograms of banned tobacco products, worth about Rs.55,000/-. He would further submit that there is no previous case as against these petitioners. Therefore, he opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) 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.55,000/- (Rupees Fifty five thousand only) each as a non refundable deposit to "The Dean/Medical Officer, Government Dharmapuri Medical College Hospital, Dharmapuri", without prejudice to their rights and contentions before the trial Court.



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7. Merely, because the petitioners has deposited 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 petitioners are prepared to deposit Rs.55,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.55,000/- (Rupees Fifty five thousand only)** each by way of **Demand Draft/RTGS/NEFT** to the **"The Dean/Medical Officer, Government Dharmapuri Medical College Hospital, Dharmapuri"** 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 separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand**



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only) each with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Denkanikottai, Krishnagiri District** 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 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]*;



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

27.09.2022

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To

1. The Judicial Magistrate,
Denkanikottai, Krishnagiri District.
2. The Inspector of Police,
Thally Police Station,
Krishnagiri District.
3. The Sub Jail,
Hosur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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