



Crl.O.P.No.23639 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

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

Crl.OP.No.23639 of 2022

1. Mahendiran

2. Deivamani

... Petitioners

Vs.

The State represented by,
The Sub-Inspector of Police,
Veppur Police Station,
Cuddalore District.

Crime No.532 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with Crime No.532 of
2022, on the file of the Respondent Police.

For Petitioners : Mr.R.Thirumoorthy

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



Crl.O.P.No.23639 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 03.09.2022 for the offences punishable under Sections 273, 328 of IPC and Section Section 24(1) of Cigarette and other Tobacco Products Acts, 2003, in Crime No.532 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 19.09.2022, while the respondent Police and his team were on routine rounds, they found that the petitioners along with the other accused had illegally transported 522 kilograms of banned tobacco products. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that without prejudice, the petitioners are prepared to deposit some considerable amount as non-refundable deposit to



Crl.O.P.No.23639 of 2022

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 the petitioners are arrayed as A1 and A3 and on 03.09.2022, when the respondent Police and his team were on routine rounds, they found that the petitioners along with the other accused had illegally transported 522 kilograms of banned tobacco products and the same has been seized by the respondent and the accused have also been arrested. However, he vehemently opposed for grant of bail to the petitioners.

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.1,10,000/- (Rupees One lakh and ten thousand only) each as non



Crl.O.P.No.23639 of 2022

refundable deposit to "The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram District" without prejudice to his 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 petitioners are prepared to deposit Rs.1,10,000/- each 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.1,10,000/- (Rupees One lakh and ten thousand only)** each by way of Demand Draft/RTGS/NEFT to the credit of "The Dean/Medical Officer, Government Villupuram



Crl.O.P.No.23639 of 2022

Medical College and Hospital, Mundiampakkam, Villupuram District"

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 each for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate**

No-I, Virudhachalam, 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 tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond 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



WEB COPY



Crl.O.P.No.23639 of 2022

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 absconds, a fresh FIR can be registered under Section 229A IPC;

29.09.2022

ham

To

1. The Judicial Magistrate No.I,
Virudhachalam.
2. The Inspector of Police,
Veppur Police Station,
Cuddalore District.
3. The Sub Jail,
Virudhachalam.
4. The Public Prosecutor,
High Court of Madras.

6/7



WEB COPY



Crl.O.P.No.23639 of 2022

A.D.JAGADISH CHANDIRA., J.

ham

Crl.O.P.No.23639 of 2022

29.09.2022