



Crl.O.P.No.24460 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

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

Crl.O.P.No.24460 of 2022

1. Mahendra Singh

2.Fatch Singh

... Petitioners

Vs.

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

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in Crime No.331 of 2022 pending
investigation on the file of the respondent Police.

For Petitioners : Mr.P.M.Jayachandran

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



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ORDER

The petitioners, who were surrendered and remanded to judicial custody on 24.09.2022 for the offences punishable under Sections 328 of IPC r/w 7 and 20(i) COTPA Act and 4(1)(a) TNP Act in Crime No.331 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in possession of 677 kgs 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 further submit that the petitioners are not the owners of the vehicle and they are only cleaner and driver of the vehicle and they have nothing to do with the alleged offence. He would also submit that without prejudice, the petitioners are prepared to deposit a sum of Rs.1,00,000/- each to any welfare scheme of the Government and he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) would submit that the petitioners are the habitual offenders involved in business of banned tobacco products. He would further submit that there is no previous case as against these petitioners. However, he opposed for grant of 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. Merely, because the petitioners have 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.

7. 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 have prepared to deposit Rs.1,00,000/- each to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioners with certain conditions.



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8. Accordingly, each of the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.1,00,000/- (Rupees One Lakh only)** by way of Demand Draft/RTGS/NEFT to the **Dean/Medical Officer, Government Krishnagiri Medical College and Hospital, Krishnagiri District**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, each of 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 only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Hosur**, 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 everyday at 10.30 a.m. and 5.30 p.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;



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[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.

12.10.2022

vr/gd

To

- 1.The Judicial Magistrate No.II,
Hosur.
- 2.The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.
- 3.The Sub Jail,
Krishnagiri.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vkr/gd

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