



Crl.O.P.Nos.25488 & 25495 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

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

Crl.O.P.Nos.25488 & 25495 of 2022

George Jegathesh

... Petitioner in Crl.O.P.No.25488 of 2022

1. Periya Palraj

2. Chinnathambi

... Petitioners in Crl.O.P.No.25495 of 2022

Vs.

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

(Crime No.252/2022).

... Respondent in both Crl.O.P.Nos.

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners on bail in connection with the Crime No.252 of 2022 pending investigation on the file of the respondent Police.



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In Both Crl.O.P.Nos.

For Petitioners : Mr.S.Madhusudanan

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

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.10.2022 for the offences punishable under Sections 7 & 20(1) of Cigarette and other Tobacco Products Acts, 2003, r/w Section 328 of IPC in Crime No.252 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the respondent police and his team were on their routine rounds, they found the petitioners had illegally transported 878 kilograms of banned tobacco products, worth about Rs.5,29,760/- . Hence the case.

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 make a deposit of Rs.2,00,000/- as non-refundable deposit to any welfare scheme of the Government and hence, he prays for



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grant of bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners are arrayed as A1, A2 and A3 respectively, in which the A1 and A3 are the drivers and A2 is the seller of the banned tobacco products. He would further submit that the petitioners had illegally transported 878 kilograms of banned tobacco products, worth about Rs.5,29,760/- from Bangalore to Chennai. He would also submit that each of the petitioners in Crl.O.P.No.25495 of 2022 has one previous case against them and there is no previous case as against the first accused/petitioner in Crl.O.P.No.25488 of 2022. Hence, he oppose 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.



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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.2,00,000/- (Rupees Two lakhs only) each as a non refundable deposit to **"The Dean/Medical Officer, Government Medical College and Hospital, Krishnagiri District"**, without prejudice to their rights and contentions before the trial Court.

7. 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.

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.2,00,000/- 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



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condition to make a non refundable deposit of **Rs.2,00,000/- (Rupees Two lakhs only)** each by way of **Demand Draft/RTGS/NEFT** to the "**The Dean/Medical Officer, Government Medical College and Hospital, Krishnagiri 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 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.II, Hosur, Krishnagiri**, 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,



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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.

19.10.2022

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To

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

A.D.JAGADISH CHANDIRA.,J.

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