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CrI.O.P.No.25758 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

CrI.O.P.No.25758 of 2022

1. Ranjith

2. Babu

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District
(Crime No.318 of 2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.318
of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.P.Saravanan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.10.2022 for the offences punishable under Sections 273, 328 IPC and Sections 7, 20(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 58, 59 of Food Safety and Standards Act, 2006, in Crime No.318 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal transportation of banned tobacco products viz., Ganesh -7 bags, Cool Lip - 3 bags, Vimal - 2 bags, Vimal - 2 bags, Tobacco - 2 bags, Hans - 2 bags, worth about Rs.1,24,000/- in a Omni bus. 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 submit that they are the bus drivers and without their knowledge, the contraband had been transported by some other passengers. He would also submit that without prejudice, the petitioners are prepared to make a deposit the considerable amount 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 were found in illegal transportation of banned tobacco products, worth about Rs.1,24,000/-. He would further submit that there is no previous case pending against the petitioners. Hence, he vehemently 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.50,000/- (Rupees Fifty Thousand only) each as a non refundable deposit to **"The Dean/Medical Officer, Government Head Quarters Hospital, Krishnagiri"**, without prejudice to their rights and contentions before the trial Court.



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7. Merely, because the petitioners have deposited the said amount, it would not amount to admission of his 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.50,000/- each to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.50,000/- (Rupees Fifty Thousand only) each**, by way of **Demand Draft/RTGS/NEFT to the "The Dean/Medical Officer, Government Head Quarters Hospital, Krishnagiri"**, 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)** with **two**



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sureties, each for a like sum to the satisfaction of the **learned Judicial**

Magistrate-II, 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, 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.

20.10.2022

Anu



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A.D.JAGADISH CHANDIRA.,J.

Anu

To

1. The Judicial Magistrate-II, Krishnagiri.
2. The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.

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20.10.2022