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Crl.OP.No.26848 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

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

Crl.OP.No.26848 of 2022

1.Deepak
2.Sonu Singh

... Petitioners

Vs.

State rep. By,
The Inspector of Police,
P6 Kodungaiyur Police Station, Chennai.
(Crime No.743 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to release the petitioners/accused on bail, pending investigation in
Crime No.743 of 2022 on the file of this respondent police.

For Petitioners : Mr.D.Kannan

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 20.10.2022 for the offences punishable under Sections 273, 328 of IPC & 24(1) COTPA Act, in Crime No.743 of 2022 on the file of respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with the other accused were found to be in possession of 492 Kgs of Tobacco Products viz., Swagath-44 Kgs, Cool Lip -241.500 Kgs, Hans-120 Kgs, Vimal -71.500 Kgs, Jartha-15.500 Kgs. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have nothing to do with the alleged offence. He would submit that the petitioners are loading and unloading coolie workers and they are not aware of the contraband. However, without prejudice, the petitioners are prepared to deposit a sum of Rs.50,000/- each towards any Welfare Scheme of the Government. Therefore, he prays for



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grant of bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioners were found to be in possession of 492 Kgs of Tobacco Products viz., Swagath-44 Kgs, Cool Lip -241.500 Kgs, Hans-120 Kgs, Vimal -71.500 Kgs, Jartha-15.500 Kgs. He would further submit that there are no previous cases pending against the petitioners. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel, and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.50,000/- each to any Welfare Scheme of the Government, this Court is inclined to grant bail to the petitioners with certain conditions. However, it is made clear that merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial



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Court to deal with the case independently.

7. Accordingly, the petitioners shall deposit a sum of **Rs.50,000/- each (Rupees Fifty Thousand only each)** as non refundable deposit to the credit of the **Dean, Government Kilpauk Medical Hospital, Chennai**, and on such deposit the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned X Metropolitan Magistrate, Egmore, Chennai** 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



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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.

03.11.2022

shk

To

1. The learned X Metropolitan Magistrate, Egmore, Chennai
2. The Inspector of Police,
P6 Kodungaiyur Police Station, Chennai.
3. The Central Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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