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Crl.OP.No.27666 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

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

Crl.OP.No.27666 of 2022

1.Muthukrishna Pandiyan
2.Siva

... Petitioners

Vs.

State by:-
The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.
(Crime No.362 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioners pending investigation in Crime No.362
of 2022 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 arrested and remanded to judicial custody on 31.10.2022 for the offences punishable under Sections 7, 20(1) of COTPA Act 2003 in Crime No.362 of 2022 on the file of respondent police, seek bail.

2. The case of the prosecution is that the petitioners had illegally transported 165 Kgs of banned Tobacco products, worth about Rs.60,000/-, in their MARUTHI car bearing Registration No.TN 11 B 8220. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence. He would submit that the petitioners have no previous cases pending against them. However, without prejudice, the petitioners are prepared to deposit an amount of Rs. 30,000/- each to the credit of any welfare Scheme of the Government. Therefore, he prays to grant bail to the petitioners.



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4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioners had illegally transported 165 Kgs of banned Tobacco products, worth about Rs.60,000/-. He would submit that there is no previous case pending against them. However, he vehemently opposed to grant bail to the petitioners.

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

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.30,000/-(Rupees Thirty thousand only) each as a non refundable deposit to **"Rehoboth - Home for mentally challenged homeless women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai"**, 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



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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 petitioner is prepared to deposit Rs.30,000/- 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.30,000/- (Rupees Thirty thousand only)** each by way of **Demand Draft/RTGS/NEFT to the "Rehoboth-Home for mentally challenged homeless women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai, vide Account Rehoboth - Punjab National Bank, Moulivakkam Branch, A/c. No.05812010015060, IFSC Code : PUNB0058110, MICR Code : 600024081"**, 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 bond for a sum of **Rs.25,000/-**



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(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 every day at 10.30 am 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



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Court himself as laid down by the Hon'ble Supreme Court



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A.D.JAGADISH CHANDIRA,J.

shk

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.

11.11.2022

shk

To

1. The learned 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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