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Crl.O.P.Nos.7580 & 7583 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

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

Crl.O.P.Nos.7580 & 7583 of 2023

Durai ... Petitioner in Crl.O.P.No.7580 of 2023

Ashokan ... Petitioner in Crl.O.P.No.7583 of 2023

Vs.

The State represented by,
The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.

(Crime Nos.83 and 84 of 2023). ... Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners/accused on bail, in connection with the Crime Nos.83 and 84 of 2023, pending investigation on the file of the respondent Police.

In both Crl.O.Ps

For Petitioners : Mr.B.Mahendra Naidu

For Respondent : Mr.C.E.Pradap
Government Advocate (Crl.side)



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.03.2023 for the offences punishable under Sections 272, 273, 328 of IPC r/w Section 59 of FSS Act and Sections 7(5), 20(2) of Cigarette and other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 of IPC, in Crime Nos.83 and 84 of 2023 on the file of the respondent police, seek bail.

2 (i). The case of the prosecution in Crl.O.P.No.7580 of 2023 is that on receipt of a secret information, the respondent and his team conducted a raid, during which, they found that the accused were indulged in selling some banned tobacco products worth about Rs.29,100/-. Hence the case.

2 (ii). The case of the prosecution in Crl.O.P.No.7583 of 2023 is that on receipt of a secret information, the respondent and his team conducted a raid, during which, they found that the accused were indulged in selling some banned tobacco products worth about Rs.3,850/-. Hence the case.



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3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are in custody from 24.03.2023 and they have no bad antecedents. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent police submitted that the petitioner in Crl.O.P.No.7580 of 2023 along with other accused was found to be in illegal possession of banned tobacco products, worth about Rs.29,150/- and also indulged in selling the same. The petitioner in Crl.O.P.No.7583 of 2023 along with other accused was found to be in illegal possession of banned tobacco products, worth about Rs.3,850/- and also indulged in selling the same. Hence, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioner in Crl.O.P.No.7580 of 2023, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.15,000/- to any welfare scheme run by the Government and the petitioner



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in Crl.O.P.No.7583 of 2023, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.5,000/- to any welfare scheme run by the Government. He further stated that the petitioners are ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (crl.side) and perused the materials available on record.

7. On considering the voluntary submission made by the learned counsel for the petitioners, the petitioner in Crl.O.P.No.7580 of 2023 is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of "Manasu – Home for needy" and the petitioner in Crl.O.P.No.7583 of 2023 is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of "Little Drops – Public Charitable Trust", without prejudice to their rights and contentions before the trial Court.

8. Merely, because the petitioners have deposited the said amount,



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it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioners have come forward to deposit some amount to any welfare scheme run by the Government, this Court is inclined to grant bail to the petitioners with certain conditions.

10. Accordingly, the petitioner in Crl.O.P.No.7580 of 2023 is ordered to be released on bail on condition to make a non-refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand only) by way of RTGS/NEFT to the credit of **"Manasu, Account Number : 024404406764190001, IFSC Code : CSBK0000244, CSB Bank, Pallvaram Branch"** and the petitioner in Crl.O.P.No.7583 of 2023 is ordered to be released on bail on condition to make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) by way of RTGS/NEFT to the credit of **"Little Drops -Public Charitable Trust, Account Number : 05811010002400, IFSC Code : PUNB0058110, Punjab National Bank, Moulivakkam, Chennai"**, without prejudice to



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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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Ariyalur**, 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., 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



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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.

06.04.2023

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To

1. The Judicial Magistrate No.I,
Ariyalur.
2. The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.
3. The Sub Jail,
Ariyalur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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