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CrI.O.P.No.12446 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

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

CrI.O.P.No.12446 of 2023

1.Pradeep Singh

2.Bharath Singh

... Petitioners

Vs.

State rep. by
The Inspector of Police
Sipcot Police Station, Hosur,
Krishnagiri District.
Crime No.150 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner pending investigation in Crime No.150
of 2023, on the file of the respondent herein.

For Petitioners : Mr.P.M.Jayachandran

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 16.05.2023, for the offences punishable under Sections 328 of
IPC and 7 & 20(1) of Cigarette and other Tobacco Products Act, 2003 in
Crime No.150 of 2023 on the file of the respondent police, seek bail.



2. The case of the prosecution is that the petitioners were illegally transported 510 Kgs of banned tobacco products. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are the drivers of the vehicle and that they were not aware of the consignment. He would further submit that the petitioners have been in judicial custody from 16.05.2023 and without prejudice to his rights and defence, the petitioner is ready and willing to deposit a substantial amount to any welfare scheme run by the Government as may be directed by this Court and he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioners stating that the petitioners were found in illegal possession of 510 Kgs of banned tobacco products and the petitioners are native of Rajasthan.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.



6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioners, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioners are directed to deposit a sum of **Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand only)** to “**The Dean/Medical Officer, Government Headquarters Hospital, Krishnagiri District**”, **each** without prejudice to their rights and contentions before the trial Court, on such deposit, the petitioners are ordered to be released on bail on their executing a 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.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 everyday at 10.30 a.m. until further orders;

[c] the petitioners shall not abscond either during investigation or trial;



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[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 petitioner 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.

06.06.2023

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To

1. The Judicial Magistrate No.II, Hosur.
2. The Inspector of Police
Sipcot Police Station, Hosur,
Krishnagiri District.
3. The Jailer,
Central Prison,
Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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