



Crl.O.P.Nos.15081 and 15079 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.Nos.15081 and 15079 of 2023

Gopi  
Bheraram

...Petitioner in Crl.O.P.No.15081 of 2023  
...Petitioner in Crl.O.P.No.15079 of 2023

Vs.

The State Represented by,  
The Inspector of Police,  
Kaveripakkam Police Station,  
Ranipet District.  
(Crime No.149 of 2023)

...Respondent in both petitions

**COMMON PRAYER:** Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.149 of 2023 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar (in Crl.O.P.No.15081 of 2023)

For Petitioner : Mr.S.Sairaman (in Crl.O.P.No.15079 of 2023)

For Respondent : Mr.Leonard Arul Joseph Selvam  
Government Advocate (Crl.side) (in both petitions)



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### **COMMON ORDER**

The petitioners, who were arrested and remanded to judicial custody on 16.06.2023 for the offences punishable under Sections 7(5), 20(2) of Cigarette and Other Tobacco Products Act 2003 r/w Section 328 of IPC in Crime No.149 of 2023 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioners submitted that, petitioners are charged for the offences under Sections 7(5), 20(2) of Cigarette and Other Tobacco Products Act 2003 r/w Section 328 of IPC in Crime No.149 of 2023. They are falsely implicated in this case. Petitioners are in judicial custody from 16.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) oppose this petition, on the ground that, 1<sup>st</sup> accused procured 164 kgs and 500 grams of tobacco products. Thereafter, 2<sup>nd</sup> accused distributed the tobacco products to 3<sup>rd</sup> accused and to 7<sup>th</sup> accused. 6Kgs of tobacco



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products was recovered from 2<sup>nd</sup> accused namely Bheraram and 7.5 kgs of tobacco products was recovered from 7<sup>th</sup> accused namely Gopi. It is his further submission that, 2<sup>nd</sup> accused is from Rajasthan. If petitioners are released on bail, it will be difficult to secure them for facing the trial. Therefore, he prays for dismissing this petition.

4. Considering the fact that, tobacco products had been seized in this case and petitioners are in judicial custody from 16.06.2023 and the fact that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Walajapet** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

**[b] the petitioners without prejudice to their defence shall deposit a non-refundable sum of Rs.25,000/-, each by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioners deposits the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.**

**[c] the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.**

**[d] the petitioners shall not abscond either during investigation or trial.**

**[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.**



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[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

**07.07.2023**

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To

- 1.The Judicial Magistrate No.I, Walajapet.
- 2.The Central Prison,  
Vellore.
- 3.The Inspector of Police,  
Kaveripakkam Police Station,  
Ranipet District.
- 4.The Public Prosecutor,  
High Court of Madras.



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**G.CHANDRASEKHARAN. J.**

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