



WEB COPY



Crl.O.P.No. 20438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

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

Crl.O.P.No. 20438 of 2023

1. Kannan
2. Siva

...Petitioners

Vs.

The State Represented by,
The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai
Crime No.266 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioners on bail in Crime No.266 of 2023 on the file of the respondent police.

For Petitioners : Mr.S.Pavanan

For Respondent : Mr. S.Rajakumar
Additional Public Prosecutor



Crl.O.P.No. 20438 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.07.2023 for the offences punishable under Sections 6(b), 7 read with Section 20(1) of Cigarette and Other Tobacco Products Act, 2003 and 328 of Indian Penal Code in Crime No.266 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are falsely implicated in this case in Crime No. 266 of 2023 for the offences under Sections 6(b), 7, 20(1) of Cigarette and other Tobacco products Act, 2003 and Section 328 IPC. Petitioners are in judicial custody from 06.07.2023. Petitioners are innocent. Thus, he prays for grant of bail.

3. Learned Additional Public Prosecutor opposes this petition, on the ground that, on 06.07.2023, at about 14.00 hours, on prior information, respondent police mounted surveillance near Lakshmipuram, Gandhi gramam school. They found two persons in two wheeler bearing No.TN 07 CF 4847 with a white colour sack. On search,



Crl.O.P.No. 20438 of 2023

they found 75 kgs of Hans, 37 kgs of Cool lip, 62 kgs of Vimal Pan Masala and 22 kgs of Swagat worth Rs.4,00,000/-. Investigation in this case is not completed. Therefore, he prays for dismissal of this bail petition.

4. Considering the fact that, the contraband and the vehicle and the tobacco products had been seized and that there is no previous case pending against the petitioners and this is the second bail petition and the petitioners are in judicial custody from 06.07.2023 and that the 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 a 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 **XVIII Metropolitan Magistrate, Saidapet, Chennai** and on further conditions that :-

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



WEB COPY



Crl.O.P.No. 20438 of 2023

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

[b] the petitioners without prejudice to his defence shall deposit a non-refundable sum of Rs.10,000/-each, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F 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 his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[c] the petitioners shall report before the respondent police twice daily at 10.30.a.m., and 05.30.p.m., until further orders.



Crl.O.P.No. 20438 of 2023

[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.

[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.

04.09.2023

sma



WEB COPY



Crl.O.P.No. 20438 of 2023

G.CHANDRASEKHARAN. J.

sma

To

1. XVIII Metropolitan Magistrate, Saidapet, Chennai

2. Central Prison,
Puzhal.

3. The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 20438 of 2023

04.09.2023