



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25367 of 2021

Manikandan

... Petitioner

Vs.

The State rep. By the
Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
(Crime No.676 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.676 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.N.S.Suganthan
Government Advocate(Crl. Side)

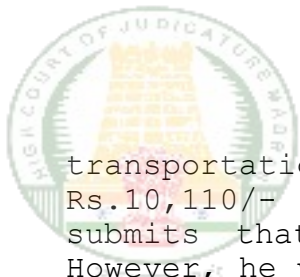
ORDER

The petitioner who was arrested and remanded to judicial custody on 12.12.2021 for the offences under Section 328 of IPC r/w 6 and 20(i) of Cigarette and other tobacco products Act 2003 in Crime No.672 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons involved in illegal transportation of 10.80kgs of tobacco products worth about Rs.10,110/- . Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to any Charitable Purpose as may be directed by this Court. He further submits that the petitioner has been suffering incarceration for more than 11 days from 12.12.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the petitioner along with other accused persons involved in illegal



transportation of 10.80kgs of tobacco products worth about Rs.10,110/- and the investigation was almost completed. He further submits that there is no previous case against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

WEB COPY

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and also the fact that the investigation was almost completed and the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 learned Judicial Magistrate No.II, Hosur and on further conditions that:

(a) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Registered Advocates Clerks Association, Krishnagiri within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

(b) 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;

(c) the petitioner shall report before the respondent police station on every Wednesday at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond 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 petitioner 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]; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

WEB COPY

-sd/-

23/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
KRISHNAGIRI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI

6 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, KRISHNAGIRI

CC to M/S E.Kannadasan
charges Sr.15472

Advocate on payment of necessary

CRL OP.25367/2021

Date :23/12/2021

RVR 23/12/2021