



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH
CRIMINAL ORIGINAL PETITION No.11015 of 2022

1 DHARMALINGAM
2 MANIKANDAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE(L AND O),
MATHIGIRI POLICE STATION,
KRISHNAGIRI
CR.NO.150/2022

[RESPONDENT]

For Petitioner : M/S. B.RAMESH BABU Advocate

For Respondent : Mr.A.Gopinath Government Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 11.04.2022 for the alleged offence under Sections 328 of I.P.C r/w Sec.7, 20(1) of COTP Act 2003, in Crime No.150 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the police were conducting the regular patrol duty, the vehicle driven by A.1 was intercepted and it was found that 9,092 Kgs of Tobacco products worth about Rs.52,03,978/- were transported in the vehicle. The contraband along with vehicle was seized and the petitioners were arrested.

3. It is brought to the notice of this Court that the first petitioner was detained under Goondas Act and hence, this Bail petition stands dismissed insofar as the first petitioner is concerned.

4. Heard both the learned counsel for the petitioners and the learned Government Advocate (Criminal Side).

5. Learned counsel for the petitioners submitted that the second petitioner who has been arrayed as A.2 in this case is said to be the



cleaner of the lorry. He was apprehended on the ground that he accompanied A.1 in the lorry. There are no previous cases against the second petitioner and he has already suffered incarceration for more than 33 days.

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5. Taking into consideration the facts and circumstances of the case and also the fact that the second petitioner is in incarceration for more than 33 days, the second petitioner will be entitled for statutory bail. In view of the same, this Court is inclined to enlarge the second petitioner on bail subject to the following conditions:

6. Accordingly, the second 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 the learned Judicial Magistrate No- II, Hosur, and on further conditions that:-

[a] the second petitioner and the sureties shall affix his 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 second petitioner is directed to report before the respondent police daily at 06:30 p.m until further orders.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second petitioner shall not abscond 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.

-sd/-

18/05/2022

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 INSPECTOR OF POLICE (L AND O),
MATHIGIRI POLICE STATION,
KRISHNAGIRI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S. B.RAMESH BABU Advocate on payment of necessary
charges Sr.7384

CRL OP.11015/2022

Date :18/05/2022

RVR 20/05/2022