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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13404 of 2022

1.Sakthivel
2.Velmurugan

..Petitioners/A2 & 3

Vs.

State Rep by
The Inspector of Police,
Pallikonda Police Station,
Vellore District
crime No.153 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.153 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.Mohammed Aasif

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.05.2022 for the offences punishable under Sections 7 (5), 20(2) of Cigarette and Other Tobacco Products Act, 2003 and Section 328 of IPC in crime No.153 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on the occurrence day, the petitioners and other accused illegally transported 1097 kg of tobacco products in Mahindra Bloero pick up open type. Hence, the case was registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that there are totally four accused and the petitioners are A2 and A3, who are driver and cleaner. He would further submit that the petitioners have no previous cases. However, he vehemently opposed to grant bail to the petitioners.

5. Taking into consideration the facts of the case, this Court is inclined to grant bail to the petitioners. Accordingly, each of the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), as non refundable deposit to the credit of the PUDUCHERRY ADVOCATE WELFARE FUND, A/c. No.7199772117; IFSC No.IDIB000B173 and on such deposit, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) (each) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Vellore 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] each of the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), as non refundable deposit to the credit of the PUDUCHERRY ADVOCATE WELFARE FUND, A/c. No.7199772117; IFSC No.IDIB000B173 and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioners shall stay at Chennai and report before the Inspector of Police, Harbour Police Station, Chennai daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

14/06/2022

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.V, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
PALLIKONDA POLICE STATION,
VELLORE DISTRICT

5 THE INSPECTOR OF POLICE,
HARBOUR POLICE STATION,
CHENNAI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 PUDUCHERRY ADVOCATE WELFARE FUND,
PUDUCHERRY, A/C.NO.7199772117,
IFSC NO.IDIB000B173.

CC to M/S.MOHAMMED AASIF Advocate on payment of necessary charges

CRL OP.13404/2022

Date :14/06/2022

RW-15/06/2022