



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

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

Crl.OP.No.14142 of 2022

Mohanlal

..Petitioner/A1

Vs.

State Rep. by the Inspector of Police,
Sipcot Police Station,
Krishnagiri District
Crime No.236 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.236 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.06.2022 for the offences punishable under Section 328 of IPC r/w Sections 7 & 20(1) of the Cigarettes and Other Tobacco Products Act, 2003 in crime No.236 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 02.06.2022 at about 7.00 a.m., on routine vehicle check up at Jujuvadi Check Post, the respondent police stopped one Swift Dezir bearing registration No.TN 66 AH 8027 and found the accused persons having possession of banned tobacco products. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that on the occurrence day, the accused persons, wherein the petitioner is arrayed as A1, were found in possession of 200 kg of banned tobacco products worth Rs.1,00,000/-. He would further submit that the petitioner, who has no previous cases, is the owner cum driver of the vehicle seized. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner 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 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 blood related sureties, each for a like sum to the satisfaction of Judicial Magistrate No.II, Hosur 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] the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

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

[e] the petitioner 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 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].



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

-sd/-

20/06/2022

WEB COPY

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, HOSUR.

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

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary charges SR.NO.9539

CRL OP.14142/2022

Date :20/06/2022

TA-20/06/2022