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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

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

Crl.OP.No.14174 of 2022

1. Nikhil
2. Junaid Basha ..Petitioners

Vs.

State Rep by:
Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
(Crime No.221 of 2022) ..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail by the respondent in Crime No.221 of 2022 on the file of the respondent Police.

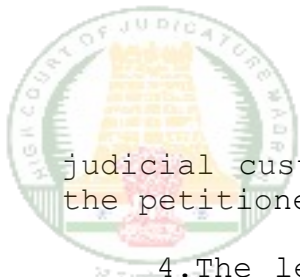
For Petitioners : Mr.B.Vasudevan
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.05.2022 for the offences under Section 273 IPC, Sections 7 and 20(1) of Cigarette and other Tobacco products Act and Sections 52, 59 of Food Safety and Standards Act, 2006 in Crime No.221 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, on 24.05.2022, when the respondent police were on their regular patrol duty near Sappanipatti Karagoor Bus Stop, at that time, the petitioners have illegally transported 675 kg of Tobacco products banned by the Tamil Nadu Government in Scorpio Car bearing Registration No.KA 03 MF 8312. Hence, the case was registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners. He would also submit that the petitioners were arrested and remanded to



judicial custody on 24.05.2022. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners were found in illegal possession of 675 kgs of banned Tobacco products. He would also submit that the petitioners have no previous case pending against them.

5. Considering the above facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners shall jointly 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) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Krishnagiri 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 petitioners shall jointly 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 report before the respondent police daily at 10.30 a.m., and 5.30 p.m., for a period of four weeks and thereafter, 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
20/06/2022

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.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

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

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S B.VASUDEVAN Advocate on payment of necessary charges

CRL OP.14174/2022

Date :20/06/2022

RW-21/06/2022