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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

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

CrI.OP.No.14282 of 2022

Manikandan

..Petitioner/A1

Vs.

State by:-

The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District
crime No.177 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.177 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.06.2022 for the offence punishable under Section 328 of IPC r/w Sections 7 and 20(1) of COTPA Act, 2003 in crime No.177 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.06.2022, the respondent police went to Bombandapalli junction road on secret information and checked the vehicle driven by the petitioner bearing registration No.TN 50 F 2149 Bolero Pickup and found the petitioner and other accused were in possession of 1200 kg of 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 1200 kg of tobacco products worth Rs.6,00,000/-. He would further submit that the petitioner is the driver of the vehicle and A2 & A3 are still absconding. 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.1,00,000/-(Rupees One Lakh 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.1,00,000/-(Rupees One Lakh 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. until further orders.

[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.

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-sd/-

21/06/2022

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, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

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

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary charges SR.NO. 9591

CRL OP.14282/2022

Date :21/06/2022

RW-22/06/2022