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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

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

Cr1.OP.No.14364 of 2022

1.Jairam
2.Mullaram

..Petitioners/A1 & 2

Vs.

State Rep by
The Inspector of Police,
Salem Town Police Station,
Salem District
crime No.86 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in crime No.86 of 2022 pending investigation 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 05.06.2022 for the offences punishable under Sections 273, 328, 511 of IPC, Sections 57 & 59 of Food Safety and Standards Act, 2006 and Sections 6 & 24(1) of Cigarette and Other Tobacco Products Act, 2003 in crime No.86 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 05.06.2022 at about 12.00 hrs near Om Sakthi Coffee Bar, 2nd Agraharam, police officials conducted vehicle check up and stopped a two wheeler bearing registration No.TN 54 M 3567, wherein they found 29 kg of illegal tobacco products. Hence, the case was registered against the accused persons.



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.

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4.The learned Additional Public Prosecutor would submit that the petitioners, who are arrayed as A1 and A2, were found in illegal possession of 29 kg of tobacco products. He would further submit that the first petitioner/A1 has already been detained under Goondas Act.

5. Considering that the first petitioner/A1 was already detained under Goondas Act, this Court is not inclined to grant bail to the first petitioner. Accordingly, this petition as against the first petitioner is dismissed. Insofar as the second petitioner is concerned, this Court is inclined to grant bail on certain conditions. Accordingly, the second petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five 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 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Salem 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 second petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five 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 second petitioner shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders

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

[e] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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/-

23/06/2022

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.I, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

4 THE INSPECTOR OF POLICE
SALEM TOWN POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges
SR.NO. 9773

CRL OP.14364/2022

Date :23/06/2022

RW-23/06/2022