



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

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

Cr1.OP.No.15505 of 2022

1.P.Muthukumar
2.Kandasamy

..Petitioners/A1 & 2

Vs.

The State Rep.by
The Inspector of Police,
HUDCO Police Station,
Hosur TK,
Krishnagiri District
crime No.165 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.165 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.A.Anandharaj

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.05.2022 for the offences punishable under Section 328 of IPC r/w Sections 6, 20(1) of COTP Act, 2003 in crime No.165 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 01.05.2022 at 05.00 a.m., the respondent police on a routine vehicle check up at Bangalore to Krishnagiri Highway Road, the lorry bearing registration No.TN 07 CP 5193 was proceeding in suspicious manner and they stopped the vehicle on chasing. On enquiry, it revealed that the petitioner along with other accused persons had illegally kept the banned tobacco products in a shop and thereafter, they were seized by the respondent police. Hence, the case was registered against the accused persons.



3.The learned counsel appearing for the petitioners would submit that only for the sake of statistical purpose, the respondent police registered the case against the petitioners, who have no previous cases, without proper enquiry. Hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that banned tobacco products weighing 4,817 kg worth nearly Rs.25,43,000/- were found in the possession of the accused persons. He would further submit that the petitioners/A1 & A2, who have no previous cases, are driver and cleaner of the vehicle, whereas A4 is the vehicle's owner and A3 is the owner of the property. However, he vehemently opposed to grant bail to the petitioners.

5. Taking into consideration the facts of the case and also the period of incarceration by the petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, each of the petitioners are directed to make non refundable deposit of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Chief Justice Relief Fund, High Court of Madras 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 learned Judicial Magistrate-II, Hosur, Krishnagiri District 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 make non refundable deposit of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Chief Justice Relief Fund, High Court of Madras, and that the receipt of such deposit 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 05.30 p.m. until further orders.

[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.

-sd/-

05/07/2022

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, KRISHNAGIRI DISTRICT.

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

3 THE OFFICER INCHARGE,
HOSUR SUB JAIL, KRISHNAGIRI DISTRICT.

4 INSPECTOR OF POLICE,
HUDCO POLICE STATION,
HOSUR TALUK, KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SECTION OFFICER,
ACCOUNT SECTION,
CHIEF JUSTICE RELIEF FUND,
HIGH COURT, MADRAS.

+1 CC to M/S A.ANANDHARAJ Advocate on payment of necessary charges SR.NO. 10702

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Date :05/07/2022

RW-05/07/2022