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CrI.OP.No.17659 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2022

CORAM

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

CrI.OP.No.17659 of 2022

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..Petitioner

Vs.

State by:-

The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.

(Crime No.269 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to grant bail to the petitioner pending investigation in Crime
No.269 of 2022 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 30.06.2022 for the offence under Sections 353, 328 of IPC



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r/w 7 and 20(1) of COTPA Act 2003 and Section 4(1)(a) r/w 4(1-A) of TNP Act in crime No.269 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused persons was found in possession of 298 Kgs of banned tobacco products worth about Rs.4,22,080/- and 48 pockets of Carnival dry gin worth about Rs.5,373/-. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 30.06.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that there are totally 11 accused in which the petitioner is arrayed as A1. The petitioner along with other accused persons were found in possession of 298 Kgs of banned tobacco products and 17 litres of Karnataka Liquor. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case and considering the period of incarceration, 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) to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit**, 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 sureties, each for a like sum to the satisfaction of the **learned 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) to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit** 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 twice daily at 10.30 a.m. and 5.30 p.m., for a period of six weeks and



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thereafter, 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.

28.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.II,
Hosur.
- 2.The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.
- 3.Sub Jail,
Hosur.
- 4.The Public Prosecutor,
High Court of Madras

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