

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2022

CORAM

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

Crl.OP.No.17415 of 2022

Malabhai

..Petitioner

Vs.

State by:

The Inspector of Police,
SIPCOT Police Station,
Krishnagiri.

Crime No.269 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.269 of 2022 on the
file of the Respondent Police.

For Petitioner : Mr.M.Sunil Kumar

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 offences punishable under Sections **353, 328 IPC and Section 7 and 20(1) of Cigarettes And Other Tobacco Products Act, 2003 and Section 4 (1)(a) and 4(1-A) of Tamil Nadu Prohibition 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 other accused were found in transportation of 298 kgs of banned tobacco products and 280 ml of liquor in his vehicle bearing Reg.No.TN 14 K 5521. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that false case has been foisted against the petitioner. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that

apart from this case, there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is 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 petitioner is ordered to be released on bail on their executing separate bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of **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 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter report before the respondent police 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.

26.07.2022

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To

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

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G.K.ILANTHIRAIYAN, J.

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