



CrI.OP.No.17617 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2022

CORAM

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

CrI.OP.No.17617 of 2022

Karthick

..Petitioner

Vs.

State:Inspector of Police,
Gurubarappalli Police Station,
Krishnagiri District.
Crime No.128 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioners on bail pending investigation in Crime
No:128 of 2022 on the file of the respondent.

For Petitioner : Mr.M.P.Saravanan

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 01.07.2022 for the offence under Sections 7, 20(1) of
Cigarette and other Tobacco Products Act 2003, 52, 59 of Food Safety



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and Standards Act 2006 and 328 of IPC in crime No.128 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of banned tobacco products like Hans Chitan Tobacco – 2607 Kgs., worth about Rs.10,68,000/-, V-1 Tobacco– 900 packets worth about Rs.2,70,000/-, MDM Gold – worth about Rs.5,760/- and Cool Lip filter tobacco – worth about Rs.8,12,160/-. Hence, the case.

3. There are totally two accused, in which the petitioner is arrayed as A2. The petitioner is the lorry driver in which the contraband was transported. The petitioner was arrested and remanded to judicial custody on 01.07.2022. Even according to the case of the prosecution, the petitioner is the driver of the lorry.

4. 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



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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-II, Krishnagiri** 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 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.



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[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.

27.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate-II,
Krishnagiri.
- 2.The Inspector of Police,
Gurubarappalli Police Station,
Krishnagiri District.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras

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