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Crl.O.P.No.17595 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM

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

Crl.O.P.No.17595 of 2022

1.Saravana Kumar @ Mahesh
2.Mahendra Kumar

...Petitioners

Vs.

State; rep. by the Inspector of Police,
Shevapet Police Station,
Salem District.
(Crime No.175 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in the Crime No.175 of 2022 on
the file of the Inspector of Police, Shevapet Police Station, Salem
District.

For Petitioners : Mr.B.Vasudevan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 30.06.2022 for the offences punishable under Sections **273, 328 of IPC and Section 6, 24(1) of Cigarette and other Tobacco Products Act, 2003** in Crime No.175 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners along with other accused were found in possession of 100 kgs of banned tobacco products. Hence, the case.

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

4.The learned Additional Public Prosecutor would submit that apart from this case, there is no previous case pending against the petitioners. However, he opposed to grant bail to the petitioners.



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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 with certain conditions.

6. Accordingly, the petitioners are directed to make non refundable deposit of **Rs.50,000/- (Rupees Fifty Thousand only)** each to the credit of **Chief Justice Relief Fund, High Court of Madras** and on such deposit, the petitioners 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.3, 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 petitioners shall make non refundable deposit of **Rs.50,000/- (Rupees Fifty Thousand only)** each 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



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executing the bond;

[c] the petitioners shall report before the respondent police twice daily at 10.30 a.m., and 04.30.p.m., for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1. Judicial Magistrate No.3,
Salem.
2. The Inspector of Police,
Shevapet Police Station,
Salem District
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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