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CrI.OP.No.18250 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM

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

CrI.OP.No.18250 of 2022

Mani

..Petitioner

Vs.

State by:-

The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
(Crime No.197 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.197 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 03.07.2022 for the offence under Sections 328 of IPC r/w 7



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and 20(1) of COTPA Act 2003 and Section 4(1)(a) r/w 4(1-A) of TNP Act in crime No.197 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is alleged to have found in possession 1639 Kgs of banned tobacco products and 48 packets of original choice Delux Whiskey worth about Rs.6,747/-. Hence, this complaint.

3. The learned counsel appearing for the petitioner submitted 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 03.07.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in possession 1639 Kgs of banned tobacco products and 48 pockets of original choice Delux Whiskey worth about Rs.6,747/-. He would also submit that the petitioner is owner of the



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vehicle. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his arrest i.e. 03.07.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)**, by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai 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.25,000/- (Rupees Twenty Five Thousand only)**, by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned



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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.

[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.

03.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

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

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