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CrI.OP.No.18003 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2022

CORAM

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

CrI.OP.No.18003 of 2022

Murugesan

..Petitioner

Vs.

State rep by  
The Inspector of Police,  
M-4, Thudiyalur Police Station,  
Coimbatore District.  
Crime No.641 of 2022

..Respondent

**PRAYER:**Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No. 641 of 2022 pending on the file of the respondent police.

For Petitioner : Mr.M.Vinoth

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



CrI.OP.No.18003 of 2022

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**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 03.07.2022 for the offences punishable under Sections 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 328 of IPC and Section 77 of Juvenile Justice (Care and Protection) Act, 2015 in Crime No.641 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 3.270 kgs of banned tobacco products. It is further alleged that the petitioner was involved in selling the contraband to the minor boys. 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 are three previous case pending against the petitioner. Hence, he opposed to grant bail to the petitioner.



CrI.OP.No.18003 of 2022

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.15,000/- (Rupees Fifteen 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 his executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood related sureties**, each for a like sum to the satisfaction of **Judicial Magistrate Court -I, Coimbatore** 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 a non refundable deposit of **Rs.15,000/- (Rupees Fifteen 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;



CrI.OP.No.18003 of 2022

[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.

01.08.2022

mpl



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To

- 1.The Judicial Magistrate Court -I  
Coimbatore.
- 2.The Inspector of Police,  
M-4, Thudiyalur Police Station,  
Coimbatore District.
- 3.The Central Prison,  
Coimbatore.
- 4.The Public Prosecutor,  
High Court of Madras



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Crl.OP.No.18003 of 2022

**G.K.ILANTHIRAIYAN, J.**

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