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Crl.OP.No.19228 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2022

CORAM

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

Crl.O.P.No.19228 of 2022

V.Murugan

....Petitioner

Vs.

State, Rep. by
The Inspector of Police,
M-4, Thudiyalur Police Station,
Coimbatore District.
Crime No.679 of 2022

....Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C.

praying to release the petitioner on bail in connection with the Crime No.
679 of 2022 on the file of the respondent Police.

For Petitioner : Mr.S.Madhusudanan

For Respondent : Mr. A. Gopinath
Govt. Advocate (Crl.Side)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 20.07.2022 for the offence under Sections 328 of IPC read with Sections 24(1) of COTPA Act in Crime No.679 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 70.45 kgs of banned tobacco products. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Further, on instruction, he would submit that in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.20,000/- to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph.No.8939065431** . That apart, the petitioner was arrested and remanded to judicial custody on 20.07.2022. Hence, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) submits that the petitioner was involved in illegal possession of 70.45 kgs of banned tobacco products. Hence, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner ie., from 20.07.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.20,000/- (Rupees twenty thousand only) directly to to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431** 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 Court No.I, Coimbatore District** and on further conditions that:-



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[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.20,000/-(Rupees Twenty Thousand only) directly to the to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431** 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 04.30.p.m., for a period of four 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



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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.

16.08.2022

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To

1. Judicial Magistrate Court No.I,
Coimbatore.
2. The Inspector of Police,
M-4, Thudiyalur Police Station,
Coimbatore District.
3. Central Jail,
Coimbatore District.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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