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Crl.OP.No.19053 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.19053 of 2022

Dig Bijay Swain

....Petitioner

Vs.

State, Rep. by
The Inspector of Police,
Palladam Police Station,
Tiruppur District.
Crime No.816 of 2022

...Respondent

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

praying to release the petitioner on bail pending investigation in Crime No.816 of 2022 on the file of the Inspector of Police, Palladam police Station, Tiruppur District.

For Petitioner : Mr.D.Arun.

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.07.2022 for the offence under Sections 273, 328 of IPC and Section 7(1), 20(2) of Cigarette and other Tobacco Products Act, 2003 in Crime No.816 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 17 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 their 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 27.07.2022. Hence, he prays for grant of bail to the



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petitioner.

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4.The learned Government Advocate (Crl.Side) submits that the petitioner along with other accused were involved in illegal possession of 17 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 27.07.2022, 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, Palladam, Tiruppur 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 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



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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.

16.08.2022

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To

1. Judicial Magistrate Court,
Palladam, Tiruppur District.
2. The Inspector of Police,
Palladam Police Station,
Tiruppur District.
3. Sub-Jail,
Palladam, Tiruppur District.
4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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