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Crl.OP.No.19829 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2022

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

Crl.OP.No.19829 of 2022

1. Sasikannan
2. Sivaperumalsamy

...Petitioners

Vs.

State rep by:
Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
Crime No.212 of 2022

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail pending investigation in Crime No. 212 of 2022 on the file of the Respondent Police.

For Petitioners : Mr. J.Pradeep

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



Crl.OP.No.19829 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 03.08.2022 for the offences punishable under Sections 328 of IPC read with Section 7 and 20(1) of COTPA Act, 2003 in Crime No.212 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioners were found in possession of 425 kgs of banned tobacco products worth about Rs.1,92,000/-. Hence, the case.

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

4.The learned Government Advocate (Crl.Side) 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.

5. Taking into consideration the facts of the case and also the



CrI.OP.No.19829 of 2022

period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall deposit a sum of **Rs.75,000/- (Rupees Seventy Five Thousand only)each** as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code: ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No. 9445008148, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two blood sureties**, each for a like sum to the satisfaction of **learned Judicial Magistrate No.II, Hosur, Krishnagiri District** 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] petitioners shall deposit a sum of **Rs.75,000/- (Rupees Seventy Five Thousand only)each** as non refundable deposit to the



Crl.OP.No.19829 of 2022

credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148 and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of 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 six weeks and thereafter 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



CrI.OP.No.19829 of 2022

registered under Section 229A IPC.

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To

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

G.K.ILANTHIRAIYAN, J.



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CrI.OP.No.19829 of 2022

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CrI.O.P.No.19829 of 2022

23.08.2022