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CrI.OP.No.19948 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2022

CORAM

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

CrI.OP.No.19948 of 2022

1.Selvaraj
2.Ramakishna
3.Babu

..Petitioners

Vs.

State Rep by,
The Inspector of Police,
F 3 Nungambakkam Police Station,
Chennai.
(Cr. No.243/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in the above Cr.No.243/2022 on
the file of the respondent.

For Petitioners : Mr.S.Senthilvel

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.08.2022 for the offence under Section 328 of IPC and Section 24(1) of the Cigarette and other Tobacco Products Acts 2003 in crime No.243 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners were found in possession of 400 Kgs of banned tobacco products. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners. He would also submit that the petitioners were arrested and remanded to judicial custody on 04.08.2022. Hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were found in possession of 400 Kgs of banned tobacco products worth about more than



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Rs.10,00,000/-. He further submitted that 1st petitioner is having three previous cases pending against him and 2nd & 3rd petitioner have no previous case pending against them. However, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioners. Accordingly, the **each of the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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**, and on such deposit, the petitioners are ordered to be released on bail on their executing a separate 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 XIV Metropolitan Magistrate, Egmore** 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] each of the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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 and that the receipt of such payment 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 5.30 p.m., for a period of four 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].



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[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

24.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The XIV Metropolitan Magistrate, Egmore.
- 2.The Inspector of Police,
F 3 Nungambakkam Police Station,
Chennai.
- 3.Central Prison, Puzhal-II, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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