



CrI.OP.No.20187 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2022

CORAM

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

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1.Ravikumar

2.Suresh Kumar

..Petitioners

Vs.

State by:-

The Inspector of Police,

Hudco Police Station,

Krishnagiri District.

(Crime No.230 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioners pending investigation in Crime No.230 of 2022 on the file of the respondent police.

For Petitioners : Mr.S.Kalaimani

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.07.2022 for the offence under Section 328 of IPC read



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with Section 20(1) of COTPA Act 2003 read with 4(1)(a) 41(1-A) of Tamil Nadu Prohibition Act in crime No.230 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 680 Kgs of banned tobacco products worth about Rs.3,84,396/- and 4320 ml of liquor obtained from Karnataka. 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 25.07.2022. Hence, he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally four accused, in which the petitioners are arrayed as A1 & A2. The petitioners were found in possession of 680 Kgs of banned tobacco products worth about



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Rs.3,84,396/- and 4320 ml of liquor obtained from Karnataka. Hence, 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.75,000/- (Rupees Seventy Five 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 Judicial Magistrate No.II, Hosur** 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.



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[b] each of the petitioners shall deposit a sum of Rs.75,000/- (Rupees Seventy Five 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].

[g] If the accused thereafter abscond, a fresh FIR can be



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registered under Section 229A IPC.

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G.K.ILANTHIRAIYAN, J.

mpl

To

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

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