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Crl.OP.No.20320 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2022

CORAM

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

Crl.OP.No.20320 of 2022

Kalaimani

...Petitioner

Vs.

State rep by:

The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.
Crime No.307 of 2022

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.307 of 2022 on the file of the respondent police.

For Petitioner : Mr. P.Muthamizhselvakumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.08.2022 for the offences punishable under Sections 328 of Indian Penal Code read with Section 7, 20(1) of the Cigarette and Tobacco Products Act- 2003 in Crime No.307 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of Pan Masala - 45 pockets, VI Tobacco- 75 Products, Cool lip- 23 Pockets. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and false case has been foisted against the petitioner. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that, apart from this case, there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.



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5. Taking into consideration the facts of the case and also the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of **Rs.10,000/-** (Rupees Ten 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, 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 **learned Judicial Magistrate Court, Thiruvarur** 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] petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten 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 deposit 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

26.08.2022

Sma

To

1. Judicial Magistrate Court,
Thiruvarur.
2. The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.
3. District Prison,
Thiruvarur.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

Sma

Crl.O.P.No.20320 of 2022

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