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CrI.OP.No.20767 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2022

CORAM

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

CrI.OP.No.20767 of 2022

Ahamed Basheer

..Petitioner

Vs.

State Rep by
The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.
(Crime No.275 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.275 of 2022 on the
file of the respondent.

For Petitioner : Mr.B.Mahendra Naidu

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.08.2022 for the offence under Sections 272, 273, 328 of IPC read with Section 59 of FSS Act 2006, Sections 7(5) and 20(2) of COTPA Act and Section 77 of Juvenile Justice Act 2015 in crime No.275 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 46 Kgs of banned tobacco products. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 17.08.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally 3 accused, in which the



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petitioner is arrayed as A1. The contraband involved in this case is totally 273 Kgs worth about Rs.4,00,000/- and the petitioner was found in possession of contraband weighing about 46 Kgs. He further submitted that there is 1 previous case of similar nature pending as against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e.,17.08.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the **petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh 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 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 blood related sureties**, each for a



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like sum to the satisfaction of the **learned Judicial Magistrate, Ariyalur** 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] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh 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 petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30 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



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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].

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

01.09.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

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

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