



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.21185 of 2022

Yogesh @ Yokesh

.. Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Sipcot Police Station,
Krishnagiri.
Crime No.278 of 2022

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C
praying to enlarge the petitioner on bail relating to Crime No.278 of 2022,
pending investigation on the file of the respondent police.

For Petitioner : Mr.K.M. Kali Charan

For Respondent : Mr.N.S. Suganthan,
Government Advocate (Crl.Side)



WEB COPY



ORDER

The petitioner herein was arrested on 21.07.2022 for the alleged offence under Section 328 of IPC and Section 7, 20(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.278 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner herein along with one Chethan who was arrested for transporting 368 Kgs of banned Tobacco from Bangalore to Tamilnadu via Hosur. The value of the contraband is estimated as Rs.3,03,624/-. Both the accused were arrested on 21.07.2022. The learned Principal Sessions Court, Krishnagiri had granted bail to the first accused who is the owner of the vehicle. This petitioner/A2 is the friend of A1, who travelled along with A1 in the said Tempo Van bearing Registration No.KA-46-4411.

2. Learned Government Advocate(Crl.Side) opposed granting bail to this petitioner/A2 on the ground that the banned Tobacco products had



been clandestinely transported in a Tempo Van and the same was seized on 21.07.2022. This petitioner who is a permanent resident of Karnataka, if granted bail, there is possibility of abscondance.

3. Learned counsel appearing for the petitioner submits that he is ready to furnish local surety to ensure the presence of the accused, as and when required for investigation and for trial.

4. In view of the above fact, this Court is inclined to grant bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate-II, Hosur and they shall be a permanent resident of Krishnagiri District.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned



WEB COPY

Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to report before the Investigating Officer daily, until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

02.09.2022

AT

4/7



WEB COPY

Crl.O.P.No.21185 of 2





To

1.The Judicial Magistrate-II, Hosur.

2.The Inspector of Police,
Sipcot Police Station,
Krishnagiri.

3.The Superintendent of Prison,
Sub Jail, Hosur.

4.The Public Prosecutor,
High Court, Madras.

WEB COPY



WEB COPY

Crl.O.P.No.21185 of 2



Dr.G.JAYACHANDRAN,J.

AT

Crl.O.P.No.21185 of 2022

02.09.2022