



Crl.OP.No.21289 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21289 of 2022

1.Raja
2.Ravikumar

..Petitioners

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 petitioners on bail in Crime No.275 of 2022 on the
file of the respondent.

For Petitioners : Mr.B.Mahendra Naidu

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)



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ORDER

The petitioners, who were 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 petitioners were found in possession of 373 Kgs of banned tobacco products. Hence, the case.

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 17.08.2022. He would further submit that without prejudice, each of the petitioners are prepared to deposit a sum of Rs.1,00,000/- to the Government for any welfare purpose. Hence, he prays for grant of bail to the petitioners.

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4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that there are totally 5 accused, in which the petitioners are arrayed as A2 & A3. The petitioners were found in possession of contraband weighing about 373 Kgs worth about Rs.4,00,000/-. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case and without prejudice, each of the petitioners are undertaking to deposit a sum of Rs.1,00,000/- to the Government for any welfare purpose, this Court is inclined to grant bail to the petitioners. Accordingly, **each of the petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) as non refundable deposit to the credit of COVID-19 ARIYALUR DISTRICT; SB.A/c No : 39576624583; IFSC code : SBIN0015822; State bank of India, Valajanagaram,** 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



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only) with **two blood related sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-I 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] each of the petitioners shall deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** as non refundable deposit to the credit of **COVID-19 ARIYALUR DISTRICT; SB.A/c No : 39576624583; IFSC code : SBIN0015822; State bank of India, Valajanagaram** and 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 six weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not abscond either during investigation or trial.



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[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 registered under Section 229A IPC.

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A.D.JAGADISH CHANDIRA, J.

mpl

To

- 1.The Judicial Magistrate-I 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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