



Crl.OP.No.21428 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2022

CORAM

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

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Selvaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Attur Police Station,
Salem.

Crime No.266 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.266 of 2022 on the file
of the respondent police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.08.2022 for the offences punishable under Section 328 of IPC and Sections 7 & 20(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.266 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police were on their regular vehicle checkup, the petitioner was found in possession of 156 kgs of banned tobacco products of various brands worth about a sum of Rs.72,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.50,000/- to any Welfare Scheme of the Government. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was found in possession of 156 kgs of banned tobacco products of various brands worth about a sum of Rs.72,000/-. He would also submit that there is no previous case as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.50,000/- to any Welfare scheme of the Government, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) by way of Demand Draft to the **Dean,**



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Government Mohan Kumaramangalam Medical College Hospital,

Salem, and on such deposit, the petitioner is ordered to be released on bail on his executing 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 **learned Judicial Magistrate No.I, Attur, Salem District**, 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 report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[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 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



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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 abscond, a fresh FIR
can be registered under Section 229A IPC.

07.09.2022

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To

1. The Judicial Magistrate No.I,
Attur, Salem District.
2. The Inspector of Police,
Attur Police Station,
Salem.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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