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Crl.OP.No.22648 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

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

Crl.OP.No.22648 of 2022

1. Bakeerath Singh @ Bhagirath Singh
2. Chopparaye @ Choppa Ram ..Petitioners

Vs.

The State Rep by
The Inspector of Police,
T-Palur Police Station,
Ariyalur District.
Crime No.201 of 2022 ..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in connection with Crime No.201 of 2022 pending investigation on the file of the respondent.

For Petitioners : Mr.T.Nixon
For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 26.07.2022 for the offences punishable under Section 328 of IPC read with Section 20(1) of Cigarette and Tobacco Products Act, 2003 in respect of crime No.201 of 2021 on the file of the respondent police, seek bail.



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2. The case of the prosecution is that the petitioners along with other accused were found in illegal possession of 1,650 Kgs of banned Tobacco products. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. That apart, the petitioners have been suffering incarceration from 26.07.2022. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the total quantity of the tobacco products involved in this case is 1,650 Kg and it is worth about Rs.25,00,000/- . He would further submit that the earlier bail petition filed by the petitioners was dismissed by this Court by an order dated 01.09.2022 in Crl.O.P.No.20817 of 2022. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioners from the date of their arrest i.e. 26.07.2022 and also taking note of the fact that the petitioners have come



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forward to deposit an amount of Rs.50,000/-(Rupees Fifty Thousand only)

each, by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram**, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, each of the petitioners shall deposit a sum of Rs.50,000/-(Rupees Fifty Thousand only) by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram** and on such deposit the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood related sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Jayankondam** 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 petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) each by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram** and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;



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[c] the petitioners shall report before the respondent police daily Morning at 10.30 a.m., and Evening 05.30 p.m, until further orders.

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

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

20.09.2022

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To

- 1.The Judicial Magistrate No.I, Jayankondam
- 2.The Inspector of Police,
T-Palur Police Station,
Ariyalur District.
3. Central Prison,
Trichy
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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