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Crl.O.P.Nos.22698 and 22700 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

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

Crl.O.P.Nos.22698 and 22700 of 2022

Alagar ..Petitioner in Crl.O.P.No.22698 of 2022

1. Saravanan
2. Vachanaram ...Petitioners in Crl.O.P.No.22700 of 2022

Vs.

The State rep by its
The Inspector of Police,
T.Palur Police Station,
Ariyalur.
(Crime No.199 of 2022)

..Respondent in both Crl.O.Ps

PRAYER:Criminal Original Petitions are filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.199 of 2022 pending investigation on the file of the respondent.

For Petitioners in both Crl.O.Ps	: Mr.A.R.L.Sundaresan, Senior Counsel for Mr.Om Sai Ram
For Respondent in both Crl.O.Ps	: Mr.S.Santhosh, Government Advocate (Crl.Side)



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COMMON ORDER

The petitioner in both Crl.O.Ps, who were arrested and remanded to judicial custody on 28.07.2022 for the offence under Sections 328 IPC and Section 20(1) of Cigarette and other Tobacco Products Act, 2003 in crime No.199 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with other accused were found in possession of 1,714 kgs of banned tobacco products. Hence, the case.

3.The learned Senior Counsel appearing for the petitioners would submit that the petitioners were implicated based on the confession statement of the first accused. That apart, A3 and A4 shown route to the lorry which contained the banned tobacco products each huge quantity. Therefore, the petitioners have nothing to do with the said allegations. He further submitted that the petitioners have suffering incarceration from 28.07.2022, 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, the contraband involved in this case is about 1,714 kgs of banned tobacco products and further the petitioners are also in conscious and constructive possession. Hence, he vehemently opposed to grant bail to the petitioners.

5.Considering the above facts and circumstances of the case and taking note of the fact that the age of the petitioner and also period of incarceration i.e the date of arrest on 28.07.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), each by way of Demand Draft to the Madras High Court Advocate Clerks Welfare Association, SB A/C.No.484077244, IFSC No.IDIB000M157, Indian Bank, High Court Branch, Chennai – 600 104 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) each with two blood sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate



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No.1, Jayamkondan and on further conditions that :-

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[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 Madras High Court Advocate Clerks Welfare Association, SB A/C.No.484077244, IFSC No.IDIB000M157, Indian Bank, High Court Branch, Chennai – 600 104 and that 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 daily Morning at 10.30 a.m and Evening at 5.30 p.m for a period of four weeks and thereafter as and when required for interrogation

[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



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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.

21.09.2022

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To

- 1.The Judicial Magistrate No.1, Jayamkondan.
2. The Inspector of Police,
T.Palur Police Station,
Ariyalur.
- 3.The Public Prosecutor,
High Court of Madras.
4. Sub Jail,
Jayamkondan.



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G.K.ILANTHIRAIYAN, J.

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