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Crl.OP.No.24391 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE **SATHI KUMAR SUKUMARA KURUP**

Crl.OP.No.24391 of 2022

1.Chatara Ram
2.Ramesh

...Petitioners

Vs.

State represented by
The Inspector of Police,
Kanakammachathiram Police Station,
Thiruvallur District.
(Crime No.243 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.243 of 2022 on the file of the Respondent Police.

For Petitioners :Mr.R.Sasikumar

For Respondent :Mr.S.Raja Kumar,
Additional Public Prosecutor



CrI.OP.No.24391 of 2022

WEB COPY

ORDER

The Petitioners, who were arrested and remanded to judicial custody on 22.09.2022 for the offences punishable under Sections **272, 273, 328 of IPC r/w Sections 7 and 9(ii) of TNPSS Act and Section 24(1) of Cigarette and other Tobacco Products Act 2003** in crime No.243 of 2022 on the file of the Respondent Police, seek bail.

2. The case of the prosecution is that the Petitioners were found in possession of 750 pockets 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 22.09.2022. He would further submit that without prejudice, each of the Petitioners are prepared to deposit a sum of Rs.10,000/- to the Government for any welfare purpose. Hence, he prays for grant of bail to the Petitioners.

4.The learned Additional Public Prosecutor appearing for the



CrI.OP.No.24391 of 2022

Respondent would submit that the Petitioners were found in possession of 750 pockets of contraband worth about Rs.10,000/-. Hence, he vehemently opposed to grant bail to the Petitioners.

5. Heard the learned Counsel. Considering the facts and circumstances of the case and without prejudice, Petitioners are undertaking to deposit a sum of Rs.10,000/- each to the Government for any welfare purpose, this Court is inclined to grant bail to the Petitioners.

6. Accordingly, **each of the Petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of "The Dean/Medical Officer, Government General Hospital, Thiruvallur District"**, and on such deposit each of the Petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruttani. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb



CrI.OP.No.24391 of 2022

impression in the surety bond and the learned Magistrate, Tiruttani, obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioners shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioners shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR***



Crl.OP.No.24391 of 2022

SCW 5560]; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

vkrr

To

1. The Judicial Magistrate, Tiruttani.
2. The Inspector of Police,
Kanakammachathiram Police Station,
Thiruvallur District.
3. The Sub Jail, Thiruvallur.
4. The Public Prosecutor,
High Court of Madras



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CrI.OP.No.24391 of 2022

SATHI KUMAR SUKUMARA KURUP., J.

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CrI.O.P.No.24391 of 2022

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