



Crl.OP.No.28405 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

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

Crl.OP.No.28405 of 2022

1.Amararam
2.Bharath
3.Gopal Kumar
4.Mahipal Singh

...Petitioners

Vs.

State by:-
The Inspector of Police,
Sulur Police Station,
Coimbatore District.
(Crime No.656 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to grant bail to the petitioner pending investigation in Crime
No.656 of 2022 on the file of the respondent police.

For petitioners : Mr.P.M.Jayachandran
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 04.11.2022 for the offences punishable under Section 328 of IPC read with Section 24(1) of COTPA Act 2003 in Crime No.656 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners along with other accused were found in illegal possession of 1500 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 further submit that without prejudice, each of the petitioners is prepared to deposit a sum of Rs.1,00,000/- to the Government for any welfare purpose and he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioners along with other accused were



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found in illegal possession of 1500 Kgs of banned tobacco products worth about Rs.11,09,000/-. He would further submit that there is no previous case pending as against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsels. Taking into consideration the period of incarnation of the petitioners and without prejudice, each of the petitioners is 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.

6. Accordingly, each of the petitioners shall deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** as non refundable deposit to **“The Dean/Medical Officer, Government Hospital, Coimbatore”**, and on such deposit, the petitioners are ordered to be released on bail on their executing a separate 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 **learned Judicial Magistrate, Sulur**, 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] each of the petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) as non refundable deposit to "The Dean/Medical Officer, Government Hospital, Coimbatore" and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., and 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].



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[g] If the accused thereafter absconds, 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,
Sulur.
- 2.The Inspector of Police,
Sulur Police Station,
Coimbatore District.
- 3.Central Jail,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

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