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CrI.O.P.No.10658 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.10658 of 2023

1.Rajesh

2.Maniraj

... Petitioners

Versus

State Rep. by
The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.

Crime No.120 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.

praying to release the petitioners on bail in Crime No.120 of 2023

pending on the file of the respondent Police.

For Petitioners : Mr.P.M.Jayachandran

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.04.2023, for the alleged offence punishable under Sections 7, 20(1) of Cigarette and other Tobacco Products Act, 2003, r/w Section 328 of I.P.C., in Crime No.120 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they found that the accused were illegally transporting of 207.82 kilograms of banned tobacco products. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He had also submitted that the petitioners are in custody from 29.04.2023. Hence, he seeks for grant of bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit that the petitioners were found to be in illegal possession of 207.82 kilograms of banned tobacco products. He would also submit that no previous case is pending as against the petitioners, however, he vehemently opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners, the period of incarceration and also considering that no previous case is pending as against the petitioners, this Court is inclined to grant bail on the following conditions;

[a] the petitioners shall execute separate bond each for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court - II at Hosur.

[b] 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.



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[c] the petitioners shall report before the respondent police daily at 10.30 a.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.

10.05.2023

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To

1. The Judicial Magistrate Court- II,
Hosur.
2. The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.
3. The Sub Jail,
Krishnagiri.
4. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

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