



WEB COPY



Crl.O.P.No.11203 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.11203 of 2023

1.Maichelraj

2.Lakshmanarajan

... Petitioners

Vs.

State by,
The Inspector of Police,
Sipcot Police Station,
Hosur,
Krishnagiri District.
(Crime No.132 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner pending investigation in Crime No.132
of 2023, on the file of the respondent police.

For Petitioners : Mr.P.M.Jayachandran

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



CrI.O.P.No.11203 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.05.2023, in connection with Crime No.132 of 2023 registered for the offence punishable under Sections 328 of IPC r/w Sections 7, 20(1) of Cigarette and other Tobacco Products 2003, seek bail.

2.The case of the prosecution is that on 04.05.2023 at about 9.30 a.m, when the respondent police was on regular patrol duty, they found the petitioners were found in illegal transportation of 208 kgs of Tobacco products worth about Rs.1,55,000/-. Hence, the case.

3.Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the said contraband was seized by the respondent police. He further submitted that the petitioners are no way connected with the alleged offence and they are in judicial custody for more than 13 days. On instructions, he would further submit that the petitioners are ready to deposit an amount of Rs.10,000/- each as non-refundable deposit to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai,**



CrI.O.P.No.11203 of 2023

and prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that found the petitioners were found in illegal transportation of 208 kgs of Tobacco products worth about Rs.1,55,000/-. He further submitted that the entire contraband was seized from the petitioners. He further submits that there are no previous cases pending against them. However, he opposed for grant of bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are in incarceration for more than 13 days and there is no previous case pending against them and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.10,000/- (Rupees Ten Thousand only) each as non-refundable deposit to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai**, this Court is inclined to grant bail to the petitioners with certain conditions.



Crl.O.P.No.11203 of 2023

WEB COPY

6. Accordingly, the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each, by way of Demand Draft as non refundable deposit to the **Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai** and on such deposit, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each**, with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Hosur**, 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 report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance



WEB COPY



CrI.O.P.No.11203 of 2023

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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

17.05.2023

drl

To

1. The Judicial Magistrate No.II,
Hosur.
2. The Inspector of Police,
Sipcot Police Station,
Hosur, Krishnagiri District.
3. The Sub Jail,
Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.11203 of 2023

A.A.NAKKIRAN, J.

drl

Crl.O.P.No.11203 of 2023

17.05.2023