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CrI.O.P.No.11201 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

CrI.O.P.No.11201 of 2023

Venkatesh

... Petitioner

Vs.

State by,
The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
(Crime No.164 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner pending investigation in Crime No.164
of 2023, on the file of the respondent police.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 02.05.2023, in connection with Crime No.164 of 2023 registered for the



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offence punishable under Sections 328 of IPC r/w Section 7 of Cigarette and other Tobacco Products 2003, seeks bail.

2.The case of the prosecution is that on 02.05.2023 at about 2.00 a.m, when the respondent police was on regular patrol duty, they found the petitioner along with other accused were found in illegal transportation of 1.750 kgs of Tobacco products worth about Rs.6 lakhs with the help of vehicle bearing Registration No.TN51AX3853 and TN40 L9163 which was banned by the Tamilnadu Government. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is the owner of one vehicle bearing Registration No.TN40 L9163 and the said contraband was also seized by the respondent police. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody for more than 15 days. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.20,000/- as non-refundable deposit to the

Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai,



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and prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that there are two accused in this case and the petitioner herein is arrayed as A1. He further submits that the petitioner along with other accused persons were found in illegal transportation of 1.750 kgs of Tobacco products worth about Rs.6 lakhs. He further submitted that the petitioner A2 has been absconded and the entire contraband was seized from the petitioner herein. He further submits that there are no previous cases pending against him. However, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for more than 15 days and there is no previous case pending against him and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.20,000/- (Rupees Twenty Thousand only) as non-refundable deposit to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar,**



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Chennai, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) 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 petitioner is ordered to be released on bail on his executing a 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 the **learned Judicial Magistrate, Karimangalam,** 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 petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

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



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[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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,
Karimangalam.
2. The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
3. The Sub Jail,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

drl

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