

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

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THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.11351 of 2023

Sasikannan

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
Ammamet Police Station.

(Crime No.155 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to release the petitioner on bail in connection with Crime No.155 of
2023 pending on the file of the respondent police.

For Petitioner : Mr.N.Umapathi

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 04.05.2023, in connection with Crime No.155 of 2023 registered for the

offence punishable under Sections 6(b), 24(1) of Cigarettes and other Tobacco Products Act 2003 and Section 328 IPC r/w Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 seeks bail.

2. The case of the prosecution is that on 04.05.2023 at 14.00 hours, when the respondent police was on regular vehicle check-up near Masinaickenpatty Check Post, they found the petitioner was illegally transporting 443 kgs of banned Tobacco products, worth about Rs.3,88,500/-. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 04.05.2023. On instructions, he would further submit that the petitioner without prejudice to his right, is ready to deposit an amount of Rs.20,000/- to the Government Hospital, Mohan Kumaramangalam Hospital, Salem. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that during the course of vehicle check up, the

respondent police found the petitioner was illegally transporting 443 kgs of banned Tobacco products, worth about Rs.3,88,500/-. He further submitted that there are no previous cases pending against the petitioner and so far, three witnesses have been examined. However, he opposed for grant of bail to the petitioner.

5. Considering the fact that the petitioner has no bad antecedents and also considering the period of incarceration suffered by him and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.20,000/- to the Government Hospital, Mohan Kumaramangalam, Salem, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non-refundable deposit to the credit of the **Government Hospital, Mohan Kumaramangalam, Salem**, 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 No.V, Salem 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 on every Saturday at 10.30 a.m., until further orders;

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

[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.

18.05.2023

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To

1. The Judicial Magistrate No.V
Salem.
2. The Inspector of Police,
Ammamet Police Station.
3. The Superintendent, Central Prison,
Salem.
4. The Government Hospital,
Mohan Kumaramangalam, Salem,
5. The Public Prosecutor,
High Court of Madras.

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A.A.NAKKIRAN, J.

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