



Crl.OP.No.14543 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.OP.No.14543 of 2023

1.Kalil Rahman

2.Venkatesan

3.Raja

..Petitioners

Vs.

The State represented by
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
Crime No.489 of 2023

..Respondent

PRAYER:- Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in crime No.489 of 2023 on the file of Inspector of Police, Thiruthuraipoondi Police Station, Thiruvarur District.

For Petitioners : Mr.Swamisubramanian

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl side)



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ORDER

This petition is filed to enlarge the petitioners on bail in crime No.489 of 2023 on the file of Inspector of Police, Thiruthuraipoondi Police Station, Thiruvarur District.

2.The learned counsel for the petitioners submitted that petitioners are shown as accused in Cr.No.489 of 2023 registered for the offences under Section 328 of I.P.C, Section 7 (1) and 24 (1) of Cigarette and other Tobacco Products Act 2003 and in Section 52, 59 of Food Safety and Standards Act 2006. Petitioners are innocents and they are in judicial custody from 11.06.2023. Thus, he prayed for release of petitioners on bail.

3.In reply, the Government Advocate (Criminal side) submitted that investigation in this case is not completed. The first and second petitioners are having two similar cases pending against them.



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4.It is a case where it is alleged that petitioners were found in possession of tobacco products weighing 133 kg and it is valued at Rs.3,00,000/- on 11.06.2023. Investigation in this case is not completed. That apart, first and second petitioners are having two previous cases against them. Thus, this Court is not inclined to grant bail to the first and second petitioners. Considering the fact that third petitioner has no previous cases, he was found along with other accused in possession of only 8kg of tobacco products, this Court is inclined to consider bail for third petitioner positively. Thus, this petition is allowed in part in respect of the third petitioner and dismissed in respect of petitioners 1 and 2.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the third petitioner. Accordingly, the third 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, Thiruthuraipoondi, Thiruvarur District 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] the third petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

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

[d] the third 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 third petitioner in accordance with law as if the conditions have been imposed and the third 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.

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To

- 1.The learned Judicial Magistrate,
Thiruthuraipoondi, Thiruvarur District.
- 2.The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
- 3.Sub-Jail, Thiruthuraipoondi
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN.J.,

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