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Crl.O.P.No.15454 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.15454 of 2023

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... Petitioner

Vs.

The State of Tamil Nadu
rep by the Inspector of Police
Karumathampatty Police Station
Coimbatore District
Crime No.252 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.252 of 2023 on the file of the respondent police.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.06.2023 for the offences punishable under Sections 7(1) and 20(2) of Cigarette and other Tobacco Products Act, 2003 and Section 328 of IPC in Crime No.252 of 2023, on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner has been falsely implicated in this case in Crime No.252 of 2023, registered for the offences under Sections 7(1) and 20(2) of Cigarette and other Tobacco Products Act, 2003 and Section 328 of IPC and that, the petitioner is in judicial custody from 13.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) opposed this petition, on the ground that, the petitioner was found in illegal possession of 11 kgs. of banned tobacco products viz., Cook Lip, Hans and Swagat, in a two wheeler bearing Regn. No.TN40 U 1125 at



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about 11.00 a.m., on 13.06.2023, near Ponnadampalayam Palani Andavar Temple. However, he would submit that the petitioner has no previous case against him.

4. Considering the nature of the offence and the fact that the aforesaid tobacco products and two wheeler were seized and that the petitioner is in judicial custody from 13.06.2023 and he has no similar case pending against him, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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, Sulur**, 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.



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[b] the petitioner shall deposit a non-refundable sum of Rs.25,000/-, by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[e] the petitioner 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 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].



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

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To

- 1.The Judicial Magistrate,
Sulur
- 2.The Central Prison,
Coimbatore
- 3 The Inspector of Police
Karumathampatty Police Station
Coimbatore District
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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