



WEB COPY



Crl.OP.No.15564 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.07.2023

CORAM

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

Crl.OP.No.15564 of 2023

1.Imran

2.Imtheyaz

..Petitioners

Vs.

State Rep by its,
The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
Crime No.195 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.195 of 2023 on
the file of the respondent police.

For Petitioners : Mr.P.M.Jayachandran

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



Crl.OP.No.15564 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.07.2023 for the offences punishable under Sections 328 of IPC read with Section 7, 20(1) of COTPA Act, 2003 in Crime No.195 of 2023 on the file of the respondent police seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated in a case registered for the offence under Sections 328 of IPC read with Section 7, 20(1) of COTPA Act, 2003. Petitioners are in Judicial Custody from 01.07.2023. Thus, he seeks bail to the petitioners.

3. In response, the learned Government Advocate (Crl. Side) opposes the petition on the ground that, petitioners were found in possession of i)40 kgs of Hans -3 bags ii) 15 kgs of Vimal Pan Masala iii) 3.600 kgs of V1 Tobacco – 3 bags, iv) 2kg 975 grams of Cool Lip v) 4kgs of Swagat 10 vi) 1.8 kgs of RMD vii) 225g of M Scented Tobacco Gold 15 Box totally 67.6 kgs of banned tobacco products worth about Rs.65,000/-.

4. Considering the nature of the offence and facts of the case



CrI.OP.No.15564 of 2023

and that petitioners are found in possession of tobacco products detailed above and that the petitioners are in judicial custody from 01.07.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail on their executing separate 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.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 deposit a non-refundable sum of **Rs.25,000/-** each, 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; Payment



CrI.OP.No.15564 of 2023

of this amount will not amount to admission of guilt of the petitioners.

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

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

[e] the petitioners 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 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].

[g] If the accused thereafter absconds, a fresh



WEB COPY



CrI.OP.No.15564 of 2023

FIR can be registered under Section 229A IPC.

14.07.2023

Sma

To

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

G.CHANDRASEKHARAN. J.



WEB COPY



Crl.OP.No.15564 of 2023

Sma

Crl.O.P.No.15564 of 2023

14.07.2023