



Crl.OP.No.15795 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.07.2023

CORAM

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

Crl.OP.No.15795 of 2023

Karthick

..Petitioner

Vs.

The State Rep by
The Inspector of Police,
Deevattipatti Police Station,
Salem District.
(Cr.No.399 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation of the case in Crime No.399 of 2023 on the file of respondent.

For Petitioner : Mr.M.Vijayaragavan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.06.2023 for the offences punishable under Section 7 and 20 (2) of Cigarette and Other Tobacco Products Act, 2003 r/w 273 and 328 of



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I.P.C. in Crime No.399 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Cr.No.399 of 2023 registered for the offences under Section 7 and 20 (2) of Cigarette and Other Tobacco Products Act, 2003 r/w 273 and 328 of I.P.C. Petitioner is in judicial custody from 27.06.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that petitioner was a driver of the vehicle bearing No.TN 29 BK 7213. 456 Kgs of tobacco products was illegally transported and that was recovered at about 12.30p.m. on 27.06.2023. Petitioner has no previous cases pending.

4.Considered the rival submissions and perused the records.

5.Considering the fact that tobacco products had been recovered



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and also considering that petitioner is in judicial custody from 27.06.2023 and that material part of investigation is over, this Court is inclined to grant bail to the petitioner.

6. Accordingly, petitioner is directed to make a non-refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)** by way of **Demand Draft/RTGS/NEFT** to the credit of 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Omalur**, 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 without prejudice to his defence 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



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produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[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 Court, Omalur.
- 2.The Inspector of Police,
Deevattipatti Police Station,
Salem District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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