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Crl.OP.No.16091 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2023

CORAM

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

Crl.OP.No.16091 of 2023

T.Ashok

..Petitioner

Vs.

State Rep by its,
The Inspector of Police,
D-3, Podanur Police Station,
Coimbatore.
Crime No.296 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 in Crime
No.296 of 2023 on the file of the respondent police.

For Petitioner : Mr.O.S.Thilak Pasumbadiyar

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 29.06.2023 for the offences punishable under Sections 6(b) read with section 24(1) of COTPA Act and Section 328 of IPC in Crime No.296 of 2023 on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in a case registered for the offence under Section 6(b) read with section 24(1) of COTPA Act and Section 328 of IPC in Crime No.296 of 2023. Petitioner is in Judicial Custody from 01.07.2023. Thus, he seeks bail to the petitioner.

3. In response, the learned Government Advocate (Crl. Side) opposes the petition on the ground that, on 29.06.2023 at about 05.00.p.m., the respondent police mounted surveillance at Madhukkarai Market Road, they found two persons under suspicious circumstances near Pandit Nehru School. On seeing the police party, they tried to turn the vehicle and escape. Police apprehended them and found that they are Ashok and Muthukumar. On search, they are found in possession of



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following tobacco products.

- i) Hans -3.600 kgs
- ii) Vamal Pan Masala -1.680 kgs
- iii) V1 Tobacco- 0.400 gram

He further submitted that, there is no similar previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.

4. Considering the nature, facts and circumstances of the case and the alleged contraband and the vehicle involved had been recovered from the petitioner and the petitioner is in Judicial Custody from 29.06.2023 and that, material part of the investigation might have been over by this time, 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 **District Munsif Cum Judicial Magistrate, Madukkarai**



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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 deposit a non-refundable sum of Rs.10,000/- (Rupees Ten Thousand Only), 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 of this amount will not amount to admission of guilt of the petitioner.

[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



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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].

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

21.07.2023

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To

1. District Munsif Cum Judicial Magistrate, Madukkarai
- 2.The Inspector of Police,
D-3, Podanur Police Station,
Coimbatore.
- 3.Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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