



Crl.O.P.No.16221 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

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

Crl.O.P.No.16221 of 2023

Imran

...Petitioner

Vs.

State Rep. by Inspector of Police,
Sipcot Police Station,
Krishnagiri District.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to release the petitioner's on bail in Crime No.228/2023 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.07.2023 for the offences punishable under Sections 328 of



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IPC and Sections 7 and 20(1) of Cigarette and Other Tobacco Products Act 2003 in Crime No.228 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.228 of 2023 for the offences under Sections 328 of IPC and Sections 7 and 20(1) of Cigarette and Other Tobacco Products Act 2003. He further submitted that, petitioner is innocent and he is falsely implicated in this case. Petitioner is in judicial custody from 07.07.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, petitioner was found in illegal possession of 21 bags containing Hans Chaap Tobacco (each bag containing 50 packets) and one bag Cool Lip containing 55 packets, totally weighing 156.20 Kgs of tobacco products on 07.07.2023, at about 17.00 hrs in a car bearing registration No.TN 02 AT 6880 near Juvuvadi check post. The tobacco products and the vehicle were seized. The petitioner has no similar previous case pending against him. Therefore,



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he prays for dismissal of this bail petition.

4. Considering the volume of the tobacco product illegally possessed by the petitioner and that he has no previous case pending against him and that he is in judicial custody from 07.07.2023, this Court is inclined to grant bail to the petitioner and 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 **J.M. 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 petitioner without prejudice to his defence shall deposit a non-refundable sum of **Rs.1,25,000/-(One Lakh Twenty Five Thousand Only)**, by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009. Tamil Nadu, India, Indian Overseas Bank,



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Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and that the receipt of such payment shall be 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



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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.

24.07.2023

mpl

To

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



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G.CHANDRASEKHARAN. J.

mpl

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