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CrI.OP.No.16187 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2023

CORAM

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

CrI.OP.No.16187 of 2023

Jagadesh

..Petitioner

Vs.

State Rep by its,
The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.
Crime No.174 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.174 of 2023 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.05.2023 for the offences punishable under Sections 328 of IPC and Sections 7 and 20(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.174 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 328 of IPC and Sections 7 and 20(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.174 of 2023. Petitioner is in Judicial Custody from 30.05.2023. Thus, he seeks bail to the petitioner.

3. In response, the learned Government Advocate (Crl. Side) opposes the petition on the ground that, on 30.05.2023 at about 13.00 hrs, when the respondent police mounted vehicle check up at Juvvadi Check Post, they found a car bearing Reg.No. TN-03-S-6364 came from Bangalore to Hosur NH Road, on seeing the police party, petitioner try to



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escape from there. When the respondent police searched the car, they found 320 kgs of tobacco product worth about Rs.1,20,000/-. 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 has no previous case pending against him and the petitioner is in Judicial Custody from 30.05.2023 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 **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



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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.1,20,000/- (Rupees One Lakh Twenty 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 evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions,



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

G.CHANDRASEKHARAN. J.



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