



Crl.O.P.No.16335 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.16335 of 2023

Prem Kumar

...Petitioner

Vs.

State Rep. by Inspector of Police,
Shoolagiri 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.332/2023 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 14.06.2023 for the offences punishable under Sections 328 of

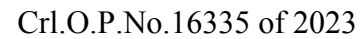


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IPC and Sections 6 and 20(1) of Cigarette and Other Tobacco Products Act 2003 in Crime No.332 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.332 of 2023 for the offences under Sections 328 of IPC and Sections 6 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 14.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, on 14.06.2023, at about 10.30 hrs, the respondent police found accused with illegal possession 12 nos. of plastic bags containing Ganesh 701 tobacco (each containing 24 Kgs and 300 grams) totally weighing about 291 kgs, 6 nos. of plastic bag containing Ganesh 701 tobacco (each containing 12 Kgs and 375 grams) totally weighing about 74.25 kgs, 10 nos. of plastic bag containing Coolsip Tobacco totally weighing 64.41 Kgs, 3 nos. of plastic bags



4. Considering the nature of the allegations and that the vehicle tobacco products were seized and that he has no previous case against him and that he is in judicial custody from 14.06.2023, it is inclined to grant bail to the petitioner and the petitioner is to be released on bail on his executing a bond for a sum of 00/- (Rupees Twenty Five thousand only) with **two sureties**, each to the satisfaction of the learned **J.M. No.II, Hosur** and on conditions that :-

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Bank pass Book to ensure their identity.

[b] the petitioner without prejudice to his defence shall deposit a non-refundable sum of Rs.2,00,000/-(Two Lakhs 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, 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.



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[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].

[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,
Shoolagiri Police Station,
Krishnagiri District.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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