



Crl.O.P.No.17256 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

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

Crl.O.P.No.17256 of 2023

Pravin Raj

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.
Crime No.247 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.247 of 2023 on the file of the respondent police.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



Crl.O.P.No.17256 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.07.2023 for the offences punishable under Sections 328 of IPC read with Section 7, 20(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.247 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.247 of 2023 for the offences under Sections 328 of IPC read with Section 7, 20(1) of Cigarette and other Tobacco Products Act, 2003. He further submitted that, petitioner is innocent and he has been falsely implicated in this case. Petitioner is in judicial custody from 15.07.2023. Thus, he prays for grant of bail.

3. The learned Additional Public Prosecutor opposes this petition, on the ground that, on 15.07.2023 at about 12.30.p.m., when the respondent police conducted vehicle check at Zuzuvadi Toll Palaza, Hosur, they found that petitioner was illegally transporting the following tobacco products in his vehicle bearing Reg. No. TN 02 W 3189:



CrI.O.P.No.17256 of 2023

- 1) Hans Chao – 10 bags
- 2) Cool Lip – 1 Bag
- 3) Swagat Gold – 1 bag
- 4) Vimal Pan Masala – 16 Bags
- 5) Vi Tobacco – 16 bags

Totally weighing about 196.71 kgs, worth about Rs.1,86,800/-

He further submitted that, apart from this case, there is no previous case pending against the petitioner.

4. Considering the nature, facts and circumstances of the case and there is no similar previous case pending against the petitioner and the alleged tobacco products and vehicle involved were seized and that petitioner is in judicial custody from 15.07.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, petitioner is ordered to be released on bail on



Crl.O.P.No.17256 of 2023

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 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.1,50,000/-**(Rupees One Lakh Fifty 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, 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



Crl.O.P.No.17256 of 2023

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].

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

03.08.2023

sma

G.CHANDRASEKHARAN. J.

sma



Crl.O.P.No.17256 of 2023

WEB COPY

To

1. Judicial Magistrate No.II, Hosur

2. Sub Jail,
Hosur.

3.The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.

4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.17256 of 2023

03.08.2023