



Crl.O.P.No.17314 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.17314 of 2023

1.Rajesh
2.Shankar
...Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.
Crime No.259 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioners on bail in Crime No.259 of 2023 on the file of the respondent police.

For Petitioners : Mr.P.M.Jayachandran

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 19.07.2023 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.259 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners is an accused in Crime No.259 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, petitioners are innocents and they have been falsely implicated in this case. Petitioners is in judicial custody from 19.07.2023. Thus, he prays for grant of bail.

3. The learned Additional Public Prosecutor opposes this petition, on the ground that, on 19.07.2023 at about 06.30.p.m., when the respondent police conducted vehicle check at Begapalli circle, they found that petitioners were illegally transporting 15kg tobacco products worth



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about Rs.18,000/- in a vehicle bearing Reg. No. TN 70 U 8875 along with one Swift Dzire Car bearing Reg.No.KA 51 Z7807. He further submitted that, apart from this case, there is no previous case pending against the petitioners.

4. Considering the nature, facts and circumstances of the case and there is no similar previous case pending against the petitioners and the alleged tobacco products and vehicle involved were seized and that petitioners are in judicial custody from 19.07.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners.

5. Accordingly, petitioners are ordered to be released on bail on their executing separate 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 :-



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[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 petitioners without prejudice to his defence shall deposit a non-refundable sum of Rs.15,000/-(Rupees Fifteen Thousand Only) jointly, 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.



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[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

To

1. Judicial Magistrate No.II, Hosur

2. Sub Jail,
Krishnagiri

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.

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