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Crl.O.P.No.18875 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

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

Crl.O.P.No.18875 of 2023

Deepak Jayswal

...Petitioner

Vs.

The Inspector of Police,
Hudco Police Station,
Krishnagiri District.
Crime No.194 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.194 of 2023 on the file of the respondent police.

For Petitioner : Mr.S.Ravindranath

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.06.2023 for the offences punishable under Sections 6 read with Section 20(1) COTPA Act 2003 & 328 of IPC in Crime No.194 of 2023 on the file of the respondent police, seeks bail.



Crl.O.P.No.18875 of 2023

WEB COPY

2. The learned counsel for the petitioner submitted that petitioner is only a driver and he is implicated in Crime No.194 of 2023 for the offences under Section 6 r/w 20 (1) COTPA Act 2003 & 328 of I.P.C. He is in judicial custody from 17.06.2023. Thus, he prays for bail.

3. In response, the learned Additional Public Prosecutor submitted that, on 17.06.2023 at 13.30 hours, accused in this case had illegally transported the following tobacco products: i) Tobacco – 300kg, ii) Cool lip – 50kg and iii) Gudca – 350kg worth about Rs.1,99,920/- in a Toyoto Fortuner car bearing registration No.TN 38BE2224 in Hosur to Krishnagiri NH Road. When stopped by the Police, they tried to escape, but Police barricades stopped the vehicle.

4. Considering the fact that it is the second bail petition filed by the petitioner and that the duration of custody ie., from 17.06.2023 that, the tobacco products and the vehicle had been seized and that material part of investigation might have been over by this time, this Court is inclined to grant bail to the petitioner



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Crl.O.P.No.18875 of 2023

5. Accordingly, 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 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.15,000/-**, 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



Crl.O.P.No.18875 of 2023

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 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.

22.08.2023

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Crl.O.P.No.18875 of 2023

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To

1.The Judicial Magistrate No.II, Hosur.

2.The Central Jail.
Salem.

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

4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.18875 of 2023

G.CHANDRASEKHARAN. J.

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Crl.O.P.No.18875 of 2023

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