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CrI.O.P.No.18130 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

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

CrI.O.P.No.18130 of 2023

Bharath

...Petitioner

Vs.

The State rep by,
The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
(Crime No.237 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.237/2023 on the file of the respondent police.

For Petitioner : Mr.K.Prabhakaran

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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Crl.O.P.No.18130 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.07.2023 for the offences punishable under Section 328 of IPC and Sections 7, 20(1) of Cigarette and other Tobacco Products Act 2003 in Crime No.237 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.237 of 2023 for the offences under Section 328 of IPC and Sections 7, 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 27.07.2023. Thus, he prays for grant of bail.

3. In response, the learned Additional Public Prosecutor submitted that on 27.07.2023, at about 12.00 noon, the accused was found in illegal possession of 5.455 Kgs of banned tobacco products in a



Crl.O.P.No.18130 of 2023

two-wheeler bearing Reg.No.KA 54 L 1148 near TVS Tollgate. The tobacco products and two-wheeler have been seized.

4. Considering the fact that the tobacco product and vehicle were seized and that there is no similar previous case against the petitioner and that, the petitioner is in judicial custody from 27.07.2023 and that material part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner and 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 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.10,000/-(Rupees Ten Thousand Only)**, by way of Demand Draft to the Chief Minister's Public Relief



Crl.O.P.No.18130 of 2023

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.

[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



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Crl.O.P.No.18130 of 2023

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.

10.08.2023

mpl

To

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



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Crl.O.P.No.18130 of 2023

G.CHANDRASEKHARAN. J.

mpl

Crl.O.P.No.18130 of 2023

10.08.2023