



Crl.O.P.No.19483 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.19483 of 2023

Harish

...Petitioner

Vs.

State represented by
The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.
Crime No.303 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pertaining in Crime No.303 of 2023 pending investigation on the file of respondent police.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



CrI.O.P.No.19483 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.08.2023 registered for the offences punishable under Sections 328 of IPC r/w Section 7 and 20(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.303 of 2023 on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in a case registered for the offences under Sections 328 of IPC r/w Section 7 and 20(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.303 of 2023 Petitioner is in Judicial Custody from 08.08.2023. Thus, he seeks bail to the petitioner.

3. In response, Additional Public Prosecutor opposes this petition, on the ground that, petitioner was found with following tobacco products, (i) 1 packet Cool lip weighing 113 grams (ii) Hans Chapp tobacco weighing 15 kgs (iii) Swagat Gold Tobacco weighing 4 kgs, totally 22.40 kgs. in a Car bearing No.KA-51MD 3251. The tobacco products and car had been seized. However, he prays for dismissal of this petition.



Crl.O.P.No.19483 of 2023

WEB COPY

4. Considering the fact that, tobacco products and car had been seized from the petitioner, that petitioner is in judicial custody from 08.08.2023, that petitioner has no previous case pending against him and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is ordered to be released on bail on their 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/-**, 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



Crl.O.P.No.19483 of 2023

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 morning 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.



WEB COPY



Crl.O.P.No.19483 of 2023

29.08.2023

gd

To

1.The Judicial Magistrate No.II, Hosur.

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

3.The Sub-Jail,
Hosur.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



WEB COPY



Crl.O.P.No.19483 of 2023

gd

Crl.O.P.No.19483 of 2023

29.08.2023