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Crl.O.P.No.19895 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

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

Crl.O.P.No.19895 of 2023

Kolandairaj

...Petitioner

Vs.

The State Rep by
Inspector of Police,
C-3, Saibaba Colony Police Station,
Coimbatore District.
(Crime No.203 of 2023)

...Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.203 of 2023 on the file of respondent Police.

For Petitioner : Mr.N.Arun Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.08.2023 for the offences punishable under Sections 328 of IPC and 7(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.203



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of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in Crime No.203 of 2023 for the offences under Sections 328 of IPC and 7(1) of Cigarette and other Tobacco Products Act, 2003. Petitioner is in judicial custody from 12.08.2023. Thus, he prays for grant of bail.

3.In response, the learned Additional Public Prosecutor submitted that defacto-complainant and Police party on the basis of secret information mounted surveillance near Mariamman Kovil, Jeeva Nagar Road, Saibaba Colony, Coimbatore, at about 09.00 a.m on 12.08.2023. Accused had come in car bearing No.KA 41Z 8685. The accused had loaded a sac in a car bearing No.KA 41Z 8685. On seeing the Police party, he tried to escape. However, accused was apprehended. After following necessary procedure, a search was conducted. It was found that he had in his possession the following tobacco products in a sac:-
i)Swagat Gold Tobacco – 180 packets, ii)Coolip – 232 packets iii)Hans Tobacco – 550 packets iv)Vimal Pan Masala – 1200 packets v) V-1 Tobacco – 1200 packets. Tobacco products, a cash of Rs.15,000/- and



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cellphones were seized.

4.Considered the rival submissions and perused the records.

5.Considering the fact that tobacco products, car and other material objects had been seized, that petitioner is in judicial custody from 12.08.2023 and that substantial part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

6.Accordingly, 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-VII, Coimbatore**, 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



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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 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 10.00.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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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.

13.09.2023

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To

- 1.The Judicial Magistrate-VII,
Coimbatore.
- 2.The Inspector of Police,
C-3, Saibaba Colony Police Station,
Coimbatore District.
- 3.Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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