



CrI.OP.No.20917 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

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

**CrI.O.P.No.20917 of 2023**

1.Suresh Kumar

2. Karan Kumar

...Petitioners

Vs.

The State Rep by  
The Inspector of Police,  
Annadhanapatty Police Station,  
Salem City.  
(Crime No.958 of 2023)

...Respondent.

**PRAYER:**

Criminal Original Petition is filed under Section 439 of Cr.P.C.  
praying to enlarge the petitioners on bail pending investigation in Crime  
No.958 of 2023 on the file of respondent Police.

For Petitioners : Mr.M.Marimuthu

For Respondent : Mr.S.Rajakumar  
Additional Public Prosecutor



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**ORDER**

The petitioners, who were arrested and remanded to judicial custody on 04.08.2023 for the offences punishable under Section 6 and 24(1) of Cigarette and other Tobacco Products Acts, 2003 read with Section 77 of The Juvenile Justice ( Care and Protection of Children) Act, 2015 in Crime No.958 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioners submitted that, petitioners are innocent persons and they have been falsely implicated in a case registered for the offences under Sections 6 and 24(1) of Cigarette and other Tobacco Products Acts, 2003 read with Section 77 of The Juvenile Justice ( Care and Protection of Children) Act, 2015 in Crime No.958 of 2023. Petitioners are in Judicial Custody from 04.08.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, on 04.08.2023 at about 16 hrs., based on the secret information received, defacto complainant along with the police party mounted a



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surveillance near Maniyanur Government Higher Secondary School, they found two persons alighted from a car bearing Reg.No. TN 54 L 6226 and they were selling small packets to school students. On seeing the police party, students ran away from the scene. Police apprehended the accused Suresh Kumar and Karan Kumar. On search, it was found that they were in possession of 472 kgs of banned tobacco products. Tobacco Products and the car were seized and the petitioners were arrested. He further submitted that, there is no previous cases pending against the petitioners. However, they were from Maharastra and if they are released on bail, there is a possibility that they would abscond.

4. Considering the fact that the tobacco products and the vehicle were seized and this is the first case registered against the petitioners and the petitioners are in Judicial Custody from 04.08.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners.



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5. Accordingly, the petitioners are 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 ( out of which, one surety should be from their native place)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate IV, Salem** 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 petitioners without prejudice to their defence shall deposit a non-refundable sum of **Rs.25,000/-** each, 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



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**petitioners deposit the said amount, it would not amount to admission of their 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 10.00.a.m., until further orders.**

[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].



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[g] If the accused thereafter absconds, a fresh FIR  
can be registered under Section 229A IPC.

**19.09.2023**

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To

1. Judicial Magistrate, No.IV, Salem.
2. The Inspector of Police,  
Annadhanapatty Police Station,  
Salem City.
3. Central Prison,  
Salem.
4. The Public Prosecutor,  
High Court of Madras



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**G.CHANDRASEKHARAN. J.**

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