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Crl.O.P.No.21925 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

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

Crl.O.P.No.21925 of 2023

Madhan

...Petitioner

Vs.

State Rep. by
Inspector of Police,
Oragadam Police Station,
Kancheepuram-
(Crime No.653/2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.653 of 2023 on the file of the respondent police.

For Petitioner : Mr.I.Periyaswamy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.09.2023 for the offences punishable under Section 24(1) of



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Cigarette and other Tobacco Product Act and Section 328 IPC in Crime No.653 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of learned counsel for the petitioner that petitioner is falsely implicated as accused in Crime No.653 of 2023 for the offences under Sections 24(1) of Cigarette and other Tobacco Products Act and Section 328 of IPC. He is in judicial custody from 06.09.2023. Thus, he seeks bail.

3. The learned Additional Public Prosecutor strongly opposed this petition on the ground that on 06.09.2023, at about 18.30 hrs, when *de-facto* complainant along with the police party engaged in regular vehicle check up, they found a car bearing Reg. No. TN 21 BY 1858 had come from Singaperumal Temple to Thiruperumbudur Road. The car was driven by one Chandrasekhar @ Chanduru and one Madhan was in the car. Another car bearing Reg. No. TN 12 B 1117 was following this car and that car was driven by one Franklin and one Antony Richard was in the car. After following necessary procedure, a search was conducted in the car and following tobacco products were found stocked in the car bearing Reg. No. TN 21 BY 1858 i) 4500 small packets of Vimal Pan



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Masala ii) 640 packets of Swagat Pan Masala and in another car bearing Reg.No. TN 12 B 1117, following tobacco products were stocked i) 4500 packets of Vimal Pan Masala ii) 4500 packets of V1 Pan Masala iii) 120 packets of V1 Pan Masala. Tobacco products and the car had been seized.

4. Considered the rival submission and perused the records.

5. The tobacco products and the vehicle used for transporting the tobacco products have been seized. This is the first case registered against the petitioner under Cigarette and other Tobacco Product Act. The petitioner is in judicial custody from 06.09.2023. The material part of the investigation in this case is completed.

6. In the said circumstances, 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, Sriperumbudur**, and on further conditions that :-

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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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 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.



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[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.

27.09.2023

mpl



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G.CHANDRASEKHARAN, J.
mpl

To

- 1.The Judicial Magistrate,
Sriperumbudur.
- 2.Sub Jail, Kancheepuram.
- 3.The Inspector of Police,
Oragadam Police Station,
Kancheepuram.
- 4.The Public Prosecutor,
High Court of Madras.

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