



WEB COPY



Crl.O.P.No. 23731 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.23731 of 2023

1.Shankar Lal
2.Mana Ram

... Petitioners

Vs.

The State rep. by:-
The Sub Inspector of Police,
B-4, Ukkadam Police Station,
Coimbatore District.
(Crime No.136 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners / Accused on bail in Crime No.136 of 2023
pending investigation on the file of the respondent Police.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial



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custody on 02.10.2023, registered by the respondent Police for the offence under Sections 328 of IPC and 7(1) r/w 20(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.136 of 2023, seek bail.

2.The case of the prosecution is that the petitioners were found in possession of 10.35 kgs of banned tobacco products and thereafter, in their premises, 23.928 kgs of banned tobacco products were seized and further, 23.328 kgs of banned tobacco products were also seized.

3.It is seen that the petitioners were in effective possession of 57 kgs of banned tobacco products.

4.The matter had earlier come up on 13.10.2023 and it was directed that the investigation should proceed.

5. It is stated on behalf of the respondent that the investigation is in progress.

6.Taking into consideration all these factors and the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of



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the learned Judicial Magistrate No.V, 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 petitioners shall report before the respondent Police daily twice at 10.30 a.m and 5.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

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

30.10.2023



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C.V.KARTHIKEYAN, J.

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To

1. The Judicial Magistrate No.V, Coimbatore.
2. The Sub Inspector of Police,
B-4, Ukkadam Police Station,
Coimbatore District.
3. The Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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