



CrI.O.P.No.26516 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

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

CrI.O.P.No.26516 of 2023

Paulraj @ Periya Paulraj

...Petitioner/Accused-2

Vs.

The State rep. by
The Inspector of Police,
Sunguvarchatram police Station,
Kancheepuram District.

(Crime No.399 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.399 of 2023 on the
file of the respondent police on such terms and conditions.

For Petitioner : Mr.S.Ramesh

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



Crl.O.P.No.26516 of 2023

WEB COPY

ORDER

The petitioner/A2 seeks bail in Crime No.399 of 2023, registered by the respondent police for the offences punishable under Sections 279, 353, 328 IPC r/w 24(1) of the COTPA Act, 2003. The petitioner had been remanded to judicial custody on 14.10.2023.

2.The earlier bail application had came up for consideration in Crl.O.P.No.25425 of 2023 had been dismissed on 07.11.2023.

3.It is stated that on 02.07.2023 the respondent police had received an information and were checking vehicles by a patrolling officer. An Ashok Leyland lorry bearing Regn.No.TN-85-L-8199 coming from Bangalore was stopped and on search, it was found that, it contained 1285 kgs of various brands of banned tobacco products. It is stated that the driver of the lorry had been arrested and had been granted bail. It is also Stated that the petitioner is the owner of the lorry and the owner of the contraband.

4.The learned counsel for the petitioner stated that in the FIR, it



CrI.O.P.No.26516 of 2023

had been stated that a sum of Rs.10,000/- alone had been paid for purchase of the banned tobacco products. It is however stated on behalf of the respondent that a Van had been used earlier also used for the very same purpose.

5.The learned counsel however stated that the petitioner was not aware of the purpose for which the said Van was used and he disclaimed ownership of the contraband.

6.Taking into consideration the period of incarceration and that, the contraband had been seized, which is a change in circumstance, I am inclined to grant bail to the petitioner with certain conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Sriperumbudur, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of



CrI.O.P.No.26516 of 2023

his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall make a Demand Draft of Rs.2,00,000/- (Rupees Two Lakhs only) drawn in favour the Dean, Government General Hospital, Chengalpet. That amount to be used for treatment of needy patients.

[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.

01.12.2023

ata



WEB COPY



CrI.O.P.No.26516 of 2023

To

1. The Judicial Magistrate, Sriperumbudur..
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
Sunguvarchatram police Station,
Kancheepuram District.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.
ata



WEB COPY



CrI.O.P.No.26516 of 2023

CrI.O.P.No.26516 of 2023

01.12.2023