



CrI.O.P.No.32124 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

CrI.O.P.No.32124 of 2022

M.Muthu,
S/o.Kaltery Perumal

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri Dt.
(Crime No.460 of 2022)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.460 of 2022 pending on the file of respondent police.

For Petitioner : Mr.Abdul Mubeen for
Mr.P.Siva Muruganantham

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (CrI.Side.)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.12.2022 for the alleged offence under Sections 273, 328 of I.P.C. and Sec.20(ii) of COTPA Act, 2003 in Crime No.460 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.12.2022, while the respondent police intercepted the petitioner's vehicle and found that he transported 342 kgs of tobacco products illegally through his vehicle without any valid permission. Hence, the complaint.

3. The learned counsel for the petitioner submitted that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the offence and he has been falsely implicated in this case. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 11 days from 02.12.2022. Hence, he prayed to grant bail to



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the petitioner.

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4. The learned Government Advocate (Crl. Side) would submit that totally, there are two accused involved in this case and the petitioner is arrayed as A1. He would submit that on the date of occurrence, the petitioner transported 342 kgs. of tobacco products illegally through his vehicle worth about Rs.9,00,000/- from Bangalore to Tamil Nadu. He would submit that if he is released on bail, he would hamper the investigation and tamper the witnesses and investigation is almost completed. Hence, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, and also the fact that the petitioner is a driver of vehicle and investigation almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand Only) as**



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non-refundable deposit to the credit of Tamil Nadu Advocate Clerk Association, Chennai, Current Account No.484026006, IFSC No.IDIB000M157, Indian Bank, High Court Branch and on such deposit, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the *learned District Munsif cum Judicial Magistrate-I, Hosur*, 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 shall report before the respondent police daily at 10.30 a.m. for the period of two months and thereafter, on every Wednesday at 10.30 a.m. for another period of three months.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;



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(e) 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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

03.01.2023

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To

1. The District Munsif cum Judicial Magistrate-I,
Hosur.
2. Inspector of Police,
Shoolagiri Police Station,
Krishnagiri Dt.
3. The Superintendent of Prison,
Sub-Jail, Hosur.



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4. The Public Prosecutor,
High Court of Madras, Chennai.

T.V. THAMILSELVI, J.

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