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CrI.O.P.No.7869 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

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

CrI.O.P.No.7869 of 2024

1.P.Mariraj

2.P.Paramasivam

...Petitioners

Vs.

The State, represented by
The Inspector of Police,
Singanallur Police Station,
Coimbatore District.
Crime No.99 of 2024

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.99 of 2024 pending investigation before the respondent Police.

For petitioners : Mr.S.Ramesh

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (crl.side)

ORDER

The petitioners / A1 & A3, who were arrested and remanded to judicial custody on 24.02.2024 for the offences punishable under Section 7(1) r/w Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 328 of IPC in Crime No.99 of 2024 on the file of the



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respondent, seek bail.

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2. It is stated that the 1st petitioner was found in possession of 53 Ks of banned tobacco products and the 2nd petitioner was found in possession of 21.655 Kgs of banned tobacco products. It is stated that there are previous cases against the 1st petitioner and there is also yet another accused A2 who is still in custody.

3. Earlier application seeking bail was dismissed on 14.03.2024 in CrI. O.P. No.6326 of 2024. One change in the circumstance is that the 2nd accused had been granted bail by the Sessions Court.

4. Taking all the factors into consideration and the period of incarceration, bail is granted to the petitioners subject to the following conditions.

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



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Judicial Magistrate III, 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, everyday at 10.30 a.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.

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C.V.KARTHIKEYAN. J.

gsa

To

1. The Judicial Magistrate III
Coimbatore.
2. The Central Prison, Coimbatore.
3. The Inspector of Police,
Singanallur Police Station,
Coimbatore District.
4. The Public Prosecutor, High Court of Madras.

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