



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

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

Crl.O.P.No.8690 of 2024

1.M.Surjith
2.C.Kumar

... Petitioners

Vs.

State Rep by.
The Inspector of Police
Mecheri Police Station,
Salem.
Crime No. 157 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in crime No. 157 of 2024, on the
file of respondent police.

For Petitioner : Mr.Camyles Gandhi. W
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)



WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.03.2024 for the alleged offences punishable under Sections 273, 328 of IPC r/w Section 20(2) of Cigarette and Other Tobacco Products Act, 2003 (COTPA), in crime No. 157 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the petitioner while transporting 272 kgs of banned Tobacco Products. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. On the other side, the learned Government Advocate (Crl. side) submits that the petitioner illegally transported 272 kgs of banned tobacco products.

4. Considering the period of incarceration undergone by the petitioner and also there is no previous case pending against the petitioner. Hence, this Court is inclined to grant bail to the petitioner.



WEB COPY

5. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate - II, mettur**, 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 at 10.30 a.m., for a period of two months. Further, the petitioners are directed to deposit a sum of **Rs.20,000/- (Twenty Thousand Only) each** to the credit of Tamil Nadu Advocate Clerk Association, Salem, within a period of two weeks from the date of receipt of a copy of this order and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

[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 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]**;

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

08.04.2024

pbl



WEB COPY



T.V.THAMILSELVI,J.

pbl

To

1. The Judicial Magistrate - II, Mettur.

2. The Inspector of Police
Mecheri Police Station,
Salem.

3. The Central Prison, Salem.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.8690 of 2024

08.04.2024