



Crl.O.P.No.12756 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.05.2024

CORAM

THE HON'BLE MR. JUSTICE **S.SOUNTHAR**

Crl.O.P.No.12756 of 2024

1.Antony
2.Joseph

...Petitioners

Vs.

The State represented by
Inspector of Police,
Periyannackalpalayam Police Station,
Coimbatore District.
(Crime No.304 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.304 of 2024 pending investigation before respondent police.

For petitioners : Mr.S.Ramesh

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

Today the matter is listed under the caption "For Clarification".



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2. The petitioners, who were arrested and remanded to judicial custody on 09.05.2024 for the offence punishable under Sections 24(1) of Cigarette and other Tobacco Products Act and 328 of IPC, in Crime No.304 of 2024 on the file of the respondent police, seek bail.

3. The case of the prosecution is that on receipt of secret information, the petitioners have found in illegal possession of 39.6 kgs of banned tobacco products with an intention to sell to the public. Thereafter, the respondent police arrested the petitioners and recorded their statement. Hence the case.

4. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioners, on their own volition, are ready and willing to contribute some amount to any Charitable Purpose as directed by this Court. He further submits that the petitioners have been suffering incarceration from 09.05.2024. Hence, he seeks for grant of bail to the petitioners.



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5. The learned Government Advocate (Crl. Side) submits that the petitioners were found in possession of 39.6 kgs of banned tobacco products. He further submitted that the investigation is almost completed. Hence, he opposed to grant bail to the petitioners.

6. Taking into consideration the facts and submissions made by both side counsels, also considering the period of incarceration undergone by the petitioners and the investigation is almost completed and the petitioners have willfully on their own volition agreed to contribute some amount for charitable purpose, this court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners shall make a non-refundable deposit of **Rs.5,000/- (Rupees Five thousand only) each to the credit of Tamil Nadu Advocate Clerks Association, Chennai. Current A/c.No.484026006, Bank Name: Indian Bank, Branch: High Court, IFSC Code:IDIB000M157** and on such deposit, the petitioners are ordered to be released on bail on executing a separate bond for a sum of



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Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.5, Coimbatore 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 his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioners shall report before the respondent police on every Monday at 10.30 a.m. for a period of three months.

[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].



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

29.05.2024

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To

- 1.The Judicial Magistrate No.5, Coimbatore.
2. The Central Prison, Coimbatore.
- 3.Inspector of Police,
Periyannackalpalayam Police Station,
Coimbatore District.
- 4.The Public Prosecutor, High Court of Madras.



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