

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17968 of 2020

Kapuraram

... Petitioner

Vs.

The State rep. By its,
The Inspector of Police,
Needamangalam Police Station,
Tiruvarur City.
(Crime No.1368 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in Crime No.1368 of 2020 on the file of the respondent.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 14.10.2020 for the alleged offences punishable under Sections 273, 328 of IPC and Section 7 r/w 20(1) of Cigarette and other Tobacco Products Act, 2003 and Sections 52 & 59 of Food Safety Standard Act, 2006 in Crime No.1368 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was in illegal possession of banned Tobacco products. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner has been suffering incarceration from 14.10.2020 and that he has no previous case against him.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner was illegally found in possession of banned tobacco products worth about Rs.5,000/-. He would submit that there is no previous case as against the petitioner.

5. Taking into consideration the facts and submissions made by the leaned counsel and considering the period of incarceration by the petitioner from 14.10.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 learned Judicial Magistrate, Needamangalam and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before respondent police every day at 10.30 a.m., until further orders.

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
11/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NEEDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR. [FOR INFORMATION]

3 THE SUPERINTENDENT,
DISTRICT JAIL, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
NEEDAMANAGALAM POLICE STATION,
THIRUVARUR.

CC to M/S.D.PADMANABHAN Advocate on payment of necessary charges

CRL OP.17968/2020

Date :11/11/2020

MK:18/11/2020

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