

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.887 of 2021

Dharmaraj

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Veerapandi Police Station
Tiruppur District
Crime No.960 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.960 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. C.S.Saravanan

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 13.12.2020 for the offences punishable under Sections 328 IPC r/w Section 22(a) of Cigarette and other Tobacco Products Act, 2003 in Crime No.960 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner was found in possession of 38 kgs of banned Tobacco products without any valid permit. Hence the complaint. The petitioner was arrested on 13.12.2020.

3. The learned counsel for the petitioner would submit that the petitioner has nothing to do with the alleged offence and a false case has been foisted against him. He would further submit that the petitioner has been in judicial custody since 13.12.2020. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that the petitioner is said to have found in possession of 38 kgs of banned tobacco products to the value of Rs.50,000/- and he is

having one previous case.

5. Considering the facts and circumstances of the case and also also taken into account the period of incarceration undergone by the petitioner, 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 his executing 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 Judicial Magistrate No.IV, Tiruppur, 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 deposit a sum of Rs.10,000/- (Rupees ten thousand only) as non-refundable deposit through RTGS/NEFT in favour of "Ramalinga Adigalar, 21263, B.Susila Nagar, 2nd Street, Kovilambakkam, Chennai-129, A/c.1789115000000370, IFSC Code No.KVBL0001789, PH: 9003888944 & 9003888933.

(c) the petitioner, on his release from prison, shall appear before the respondent police daily 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.

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

-sd/-
25/01/2021

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 NO.IV,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
TIRUPPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 RAMALINGA ADIGALAR,
21263, B.SUSILA NAGAR, 2ND STREET,
KOVILAMBAKKAM, CHENNAI-129,
A/C.1789115000000370, IFSC CODE NO.KVBL0001789,
PH: 9003888944 & 9003888933.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.887/2021

Date :25/01/2021