

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.987 of 2021

Padelraj

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Velampalayam Police Station,
Tiruppur City.

(Crime No.1485 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.1485 of 2020 on the file of respondent police.

For Petitioner : Mr.N.Chinnaraj

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

O R D E R

(The case has been heard through video conference)

The petitioner is the sole accused. The petitioner, who was arrested and remanded to judicial custody on 21.11.2020 for the offence punishable under Sections 328 of I.P.C. r/w 24(1) COTPA and 8(c) r/w 20(b)(ii)(B) of NDPS Act in Crime No.1485 of 2020, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner was found in possession of (1) 1.250 kgs. of ganja, (2) 24.6 kgm of Hans Chapt tobacco, (3) 13.939 kgm. of Cool Lip Filter Tobacco and (4) 21.750 kgm of Swagat Gold Tobacco, (5) 25.200 kgm. of Atal-Manukka Tablets and (6) 15.120 kgm. of V-1 tobacco, totally, 100.609 kgm. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 21.11.2020. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that he is an innocent person and he is no way connected with the occurrence between the groups. He would submit that he has been falsely implicated in the present case. He would submit that he was arrested on 21.11.2020 and he is in jail for nearly two months. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a sole accused, he is main supplier of tobacco products and ganja. She would submit that he was found in possession of 100.609 kgm. of banned tobacco products, apart from that, he was also found in possession of 1.250 of ganja. She would also submit that respondent police has arrested the petitioner after following the mandatory requirements and he is in jail from 21.11.2020. She would also submit that there is no previous case pending against the petitioner and the investigation is also completed. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the petitioner was found in possession of 100.609 kgm of banned tobacco products and also 1.250 kgm of ganja, which is less than the commercial quantity, he is not having any bad antecedents, and also considering the period of incarceration suffered by the petitioner from 21.11.2020, 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-III, 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, on his release from prison, shall report 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.

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

-sd/-

15/02/2021

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.III, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VELAMPALAYAM POLICE STATION,
TIRUPPUR CITY.

+1 CC to M/S.N.CHINNARAJ Advocate on payment of necessary charges
SR.NO.1602

CRL OP.987/2021

Date :15/02/2021

cs 16/02/2021