

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1016 of 2021

1.Alex Pandian

2.Manikandan

3.Karthik

4.Anantha Narayanan

5.Manikandan

6.Murugan

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Saravanampatti Police Station
Coimbatore District
Crime No.2438 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.2438 of 2020 pending investigation on the file of the Respondent.

For Petitioners: Mr. C.Mohanraj

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

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 28.11.2020 for the offences punishable under Section 328 of IPC r/w 7 of Cigarette and other Tobacco Products, Act 2003, in Crime No.2438 of 2020, seeks bail.

2. There are totally seven accused in this case and the petitioners are arrayed as A1 to A6. The case of the prosecution is that all the accused had transported banned Tobacco products worth Rs.51,000/-without any valid permit. Hence the complaint. The petitioners were arrested on 28.11.2020.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. There is no previous case pending against the petitioners. He would further submit that the petitioners have

been in judicial custody since 28.11.2020. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that there are totally seven accused in this case and the petitioners are A1 to A6. Based on the confession of A1, all the petitioners were arrested. A7 is still absconding. Investigation in this case is over. There is no previous case against the petitioners.

5. Considering the facts and circumstances of the case and the investigation has been completed also also taken into account the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on their 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.II, Coimbatore, 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 petitioners shall jointly 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 petitioners, on their release from prison, shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

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

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

(f) the petitioners 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 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

(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.II, COIMBATORE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SARAVANAMPATTI POLICE STATION,
COIMBATORE.

5 THE OFFICER INCHARGE,
SUB JAIL, AVINASHI, COIMBATORE DISTRICT.

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.MOHANRAJ Advocate on payment of necessary charges

CRL OP.1016/2021

Date :25/01/2021