

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1021 of 2021

Saravanan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Tiruppur South Police Station,
Tiruppur District.
(Crime No.1764 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.1764 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. Balaji Sankara Moorthy

For Respondent : Mr.M. Prabavathi,
APP

O R D E R

(The case has been heard through video conference)

The petitioner, who is A1, was arrested and remanded to judicial custody on 21.12.2020 for the offence punishable under Section 328 IPC and Section 22(a) of Cigarette and other Tobacco Acts, 2003 in Crime No.1764 of 2020, seeks bail.

2. Totally, there are two accused and the petitioner is A1. The case of the prosecution is that the petitioner was found in possession of 14 kgs of banned tobacco products . Hence, a case has been registered against the petitioner and others.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence as alleged by the prosecution. He would further submit that co-accused has already been released on bail by the Court below. Hence, he seeks for grant of bail to the petitioner. The learned counsel for the petitioner, on instructions, submitted that the petitioner is prepared to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) without prejudice to his defence.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in possession of 14 kgs of banned tobacco products and the petitioner is having one previous case. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances and taking note of the fact that the petitioner is prepared to deposit Rs.5,000/- without prejudice to his contention and considering the fact that co-accused in this case has been granted bail and also considering the period of incarceration suffered 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 condition to execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Tirupur, 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 is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Madras High Court Advocate Clerks' Welfare Association, Indian Bank, Madras High Court Branch, (A/c.No.484 077 244, IFSC No.IDIB 000 M 157), within a period of two weeks from the date of receipt of a copy of this order without prejudice to his rights and contentions before the trial Court

(d) the petitioner, on his release from prison, shall report before the respondent police once in a week, i.e., on every Monday 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/-

27/01/2021

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, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
TIRUPPUR SOUTH POLICE STATION,
TIRUPPUR.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 MADRAS HIGH COURT ADVOCATES
CLERKS WELFARE ASSOCIATION,
INDIAN BANK HIGH COURT BRANCH
SB.A/C NO. 484077244,
IFSC CODE:IDIB000M157

CC to M/S.BALAJI SANKARA MOORTHY Advocate on payment of
necessary charges Sr.870

CRL OP.1021/2021

Date :27/01/2021

RVR 29/01/2021