

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1272 of 2021

1. K. Manikandan
2. M. Balasing

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.
(Crime No.2412 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.2412 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr. C. Mohanraj

For Respondent : Mr.M. Prabhavathi,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 27.11.2021 for the offence punishable under Section 328 of I.P.C r/w 22(a) of Cigarette and other Tobacco Products Act, 2003 in Crime No.2412 of 2020 in Crime No.2453 of 2020, seeks bail.

2. The petitioners herein are A2 and A3. The case of the prosecution is that the petitioners were found in possession of 600 Kgs of banned tobacco products. Hence, a case has been registered against the petitioners.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence. He would further submit that A1 who is the main accused in this case, is the owner of the banned tobacco products and the petitioners are only the friends of A1. He would submit that the petitioner is in judicial custody for more than 70 days and hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in possession of 600 kgs of banned tobacco products. Hence, she opposed to grant bail to the petitioner.

5. Considering the fact that A1 is the owner of the banned tobacco products 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 petitioners are 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 No.I, Tiruppur District 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 on his release from prison shall report before the respondent police daily at 10.30 a.m., until further orders.

(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 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/-

04/02/2021

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.I, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

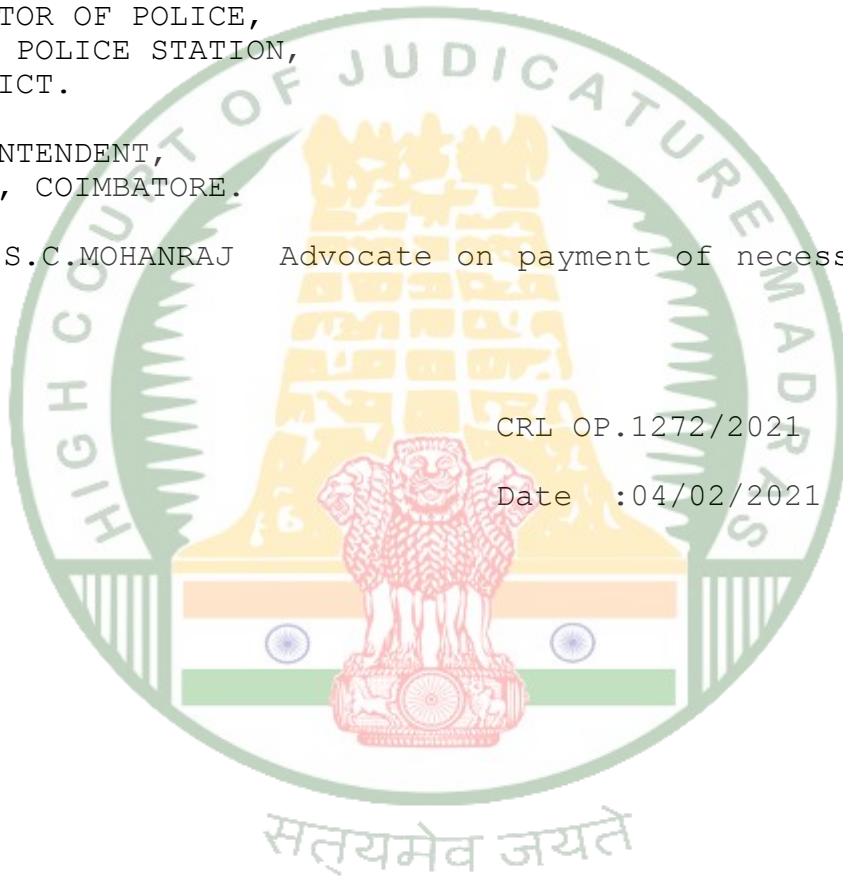
5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.C.MOHANRAJ Advocate on payment of necessary charges
SR.1127

CRL OP.1272/2021

Date :04/02/2021

RVR 05/02/2021



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