

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3129 of 2021

Jebasingh Philip

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Tiruppur Rural Police Station,
Tiruppur Dt.
(Crime No.1611 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.1611 of 2020 on the file of respondent police.

For Petitioner : M/s Deepan Uday

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

ORDER

(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 19.12.2020 for the offence punishable under Sections 328, 284 of I.P.C. r/w 22(1) of Cigarette and Other Tobacco Products Act, in Crime No.1611 of 2020, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner, who is shop owner said to have found in possession of 274 kgs. of gutkha in his shop. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 19.12.2020. 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 offence as alleged in the complaint. He would submit that he has been falsely implicated in the present case. He would submit that he was arrested on 19.12.2020 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 and he was found selling of 274 kgs. of banned tobacco products in his shop. She would also submit that respondent police has arrested the petitioner after following the mandatory requirements and he is in jail from 19.12.2020. 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 274 kgs. of banned tobacco products, 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 19.12.2020, 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-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, 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/-
18/02/2021

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-IV,
TIRUPPUR.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.DEEPAN UDAY Advocate on payment of necessary charges

WEB COPY

CRL OP.3129/2021

Date :18/02/2021

MN-19/02/2021