

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3428 of 2021

Prakash

... Petitioner

Vs.

State Rep by

The Inspector of Police,
Palladam Police Station,
Tiruppur District.
Crime No.98 of 2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.98/2021 on the file of the respondent police.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 22.01.2021 for the offence punishable under Sections 273, 328 of IPC r/w. 7(1), 20(2) of Cigarettes and other Tobacco Products Act, 2003 in Crime No.98 of 2021, seeks bail.

2. Totally, there are 3 accused and the petitioner is A2. The case of the prosecution is that the petitioner along with other accused said to have found in illegal possession of huge quantity of banned Tobacco Products. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence and he has been falsely implicated in this case. He would further submit that co-accused in this case was already released on bail. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that, he is in possession of huge quantity of banned Tobacco products and there is no previous case pending against the petitioner. However, she opposed to grant bail to the petitioner.

5. Considering the fact that there is no previous case pending against the petitioner and co-accused in this case was already released on 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Palladam 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/-
24/02/2021

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,
PALLADAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR DISTRICT.

+1 CC to M/S.P.KALIMUTHU Advocate on payment of necessary charges
SR.No.2214

सत्यमेव जयते

WEB COPY

CRL OP.3428/2021

Date :24/02/2021

cs 25/02/2021