

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3579 of 2021

1.Jotharam
2.Suresh

... Petitioners

Vs.

The State Rep.by
Inspector of Police,
Anupparpalayam Police Station,
Tiruppur District.
Crime No.248 of 2021.

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail concerned in Crime No.248 of 2021 on the file of the respondent police.

For Petitioners : Mr. C.Ramkumar

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 22.01.2021 for the offence punishable under Sections 328, 284 of IPC and Section 24(1) of COTPA Act, 2003 in Crime No.248 of 2021, seek bail.

2. Totally there are 3 accused and the petitioners are A2 and A3. The case of the prosecution is that the petitioners were found in illegal possession of 26 kgs of banned tobacco products. Hence, a case has been registered against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners are no way connected with the offence and they have 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 petitioners.

4. The learned Additional Public Prosecutor would submit that, the petitioners are in illegal possession of huge quantity of banned Tobacco products. Hence, she opposed to grant bail to the petitioners.

5. Considering the fact that co-accused in this case was already released on bail and also considering the period of incarceration suffered 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 condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each **with two local sureties each** for a like sum to the satisfaction of the learned Judicial Magistrate-III, 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 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 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** [(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,
NO.III, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

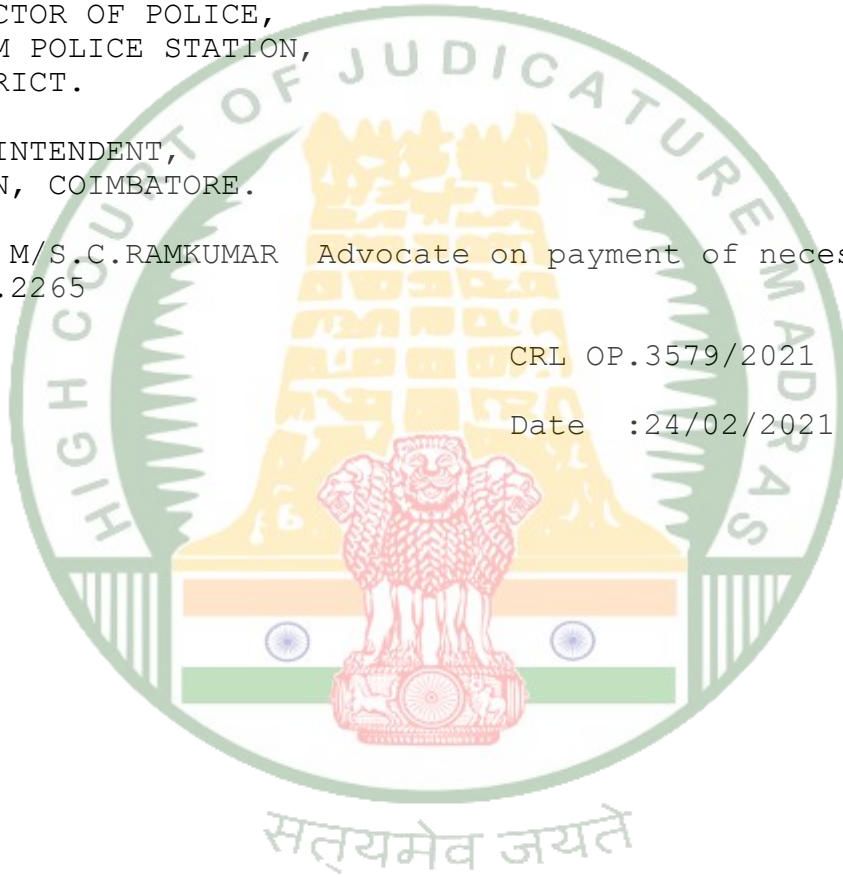
5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.C.RAMKUMAR Advocate on payment of necessary
charges SR.NO.2265

CRL OP.3579/2021

Date :24/02/2021

TA-25/02/2021



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