

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4318 of 2021

Habipkan

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Palladam Polie Station
Palladam, Tirupur 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 Crime No.98 of 2021 on the file of respondent police.

For Petitioner : Mr.G.Vinodh Kumar

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

O R D E R

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 22.01.2021 for the offence punishable under Sections 273, 328 of I.P.C. r/w 7(1), 20(2) of Cigarette and Tobacco Products Act, 2003, in Crime No.98 of 2021, seeks bail.

2. The case of the prosecution is that all the accused jointly owned a godown, in which, the accused persons said to have concealed 1221 packets of banned tobacco products. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 22.01.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner has been falsely implicated in this case and he is in jail from 22.01.2021. He would submit that he is an innocent person and he is no way connected with the offence as alleged in the complaint. On instruction, he would further submit that without prejudice to his right and contentions, he is prepared to deposit/pay some considerable amount to any charitable organization or association. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that totally, there are three accused and the petitioner is arrayed as A3. She would submit that investigation is almost completed, the co-accused were arrested and released on bail and there is no previous antecedents against the petitioner. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the voluntary submission made by the petitioner offering to deposit or to pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioner may be directed to deposit/pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Good Convent Social Service Society, Regn. No.55/1959, A/c. No.520101001284955, IFSC Code No.CORP0000577, Corporation Bank, Nungambakkam Branch, Chennai (Contact - No.99520 80270) without prejudice to his right and contention before the trial Court.

6. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances and also considering the fact that the investigation is almost completed and also considering the period of incarceration suffered by the petitioner from 22.01.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions :-

(a) The petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) either through RTGS/NEFT or in cash in favour of Good Convent Social Service Society, Regn. No.55/1959, A/c. No.520101001284955, IFSC Code No.CORP0000577, Corporation Bank, Nungambakkam Branch, Chennai (Contact - No.99520 80270) , within fifteen (15) days from the date of receipt of a copy of this order. On such deposit, 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. for the period of two weeks and thereafter as and when required for interrogation;

(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.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
05/03/2021

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 PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

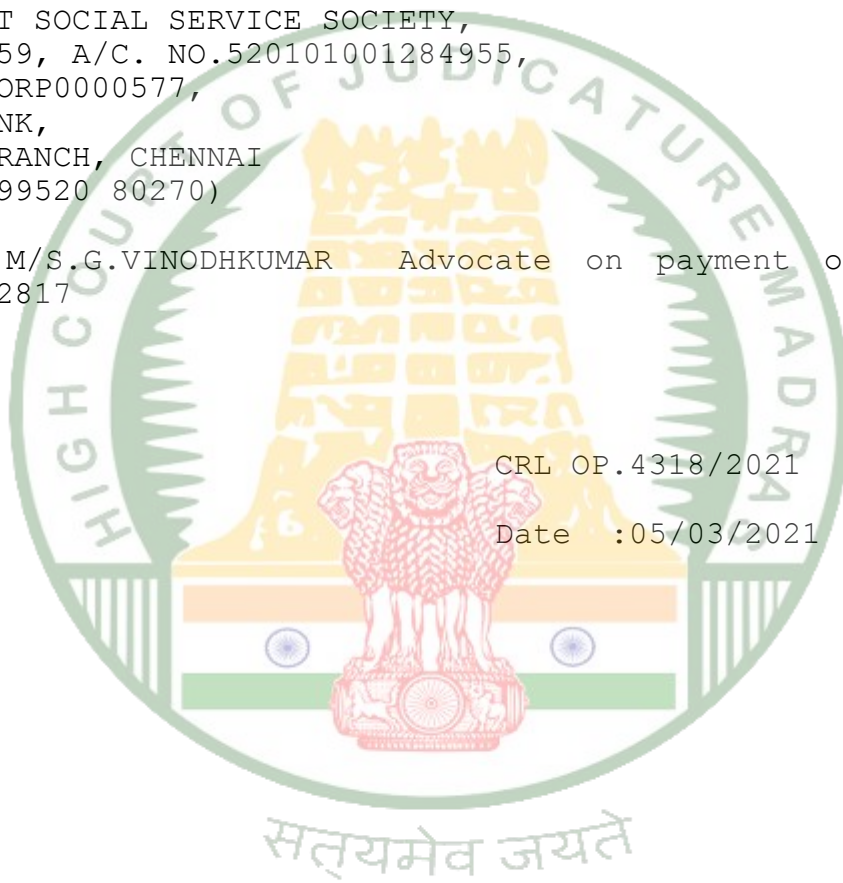
6 GOOD CONVENT SOCIAL SERVICE SOCIETY,
REGN. NO.55/1959, A/C. NO.520101001284955,
IFSC CODE NO.CORP0000577,
CORPORATION BANK,
NUNGAMBAKKAM BRANCH, CHENNAI
(CONTACT - NO.99520 80270)

+1 CC to M/S.G.VINODHKUMAR Advocate on payment of necessary
charges SR.No.2817

CRL OP.4318/2021

Date :05/03/2021

cs 08/03/2021



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