

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4369 of 2021

Dineshkumar

... Petitioner

Vs.

State Rep. by
The Station House Officer,
Virudhachalam Police Station,
Cuddalore Dt.
(Crime No.102 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.102 of 2021 on the file of respondent police.

For Petitioner : Mr.M.Selvam

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

ORDER

(The case has been heard through video conference)

The petitioner is a sole accused. The petitioner, who was arrested and remanded to judicial custody on 09.02.2021 for the offence punishable under Sections 273, 328 of I.P.C. r/w Sec. 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.102 of 2021, seeks bail.

2. The case of the prosecution is that the petitioner is running a petty shop, in which, he was in possession of banned tobacco products worth about Rs.1,96,000/- without having any valid license. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 09.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that he has been falsely implicated in this case. He would submit that he is only a petty shop owner, he is not having such capacity to possess huge quantity of tobacco products. He would submit that he is an innocent person and he is no way connected with the offence. He would also submit that the investigation is almost completed and he is in jail from 09.02.2021. Hence, he prayed to

grant bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that the petitioner has sold huge quantity of banned tobacco products to the tune of nearly Rs.2 lakhs. Hence, the complaint has been registered and he was arrested on 09.02.2021. She would submit that the investigation is almost completed and there is no bad antecedents against the petitioner. However, she opposed to grant bail to the petitioner.

6. Taking into consideration of the fact that, now the investigation is almost completed, there is no previous antecedents against the petitioner and also considering the fact that the period of incarceration suffered by the petitioner from 09.02.2021, 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-I, Virudhachalam, Cuddalore Dt., 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, after his release from prison, 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.

7. 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-I,
VIRUDHACHALAM, CUDDALORE DISTRICT.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1 CC to M/S.M.SELVAM Advocate on payment of necessary charges
SR NO. 2821

WEB COPY

CRL OP.4369/2021

Date :05/03/2021

MN-08/03/2021