

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5029 of 2021

Subash

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Tiruvarur Town Police Station
Tiruvarur-610 001.
(Crime No.263 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.263 of 2021 on the file of respondent police.

For Petitioner : Mr.V.T.Narendiran

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

O R D E R

(The case has been heard through video conference)

The petitioner is arrayed a sole accused. The petitioner, who was arrested and remanded to judicial custody on 20.02.2021 for the offence punishable under Sections 273, 328 of I.P.C. and Section 7, 20 (i) of Cigarette and other tobacco Products Act, 2003 and 52, 59 of Food Safety and Standard Act, 2006, in Crime No.263 of 2021, seeks bail.

2. The case of the prosecution is that on the date of occurrence, on a secret information, when the respondent police conducted a raid, they found that the petitioner said to have concealed 21 kgs. of banned tobacco products, worth of Rs.50,000/- in a gunny bag in his shop. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 20.02.2021. 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 20.02.2021. 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 was found in possession of 21 kgs. of banned tobacco products worth of Rs.50,000/- in a gunny bag in his shop. Hence, the complaint has been registered and he was arrested on 20.02.2021. 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 20.02.2021, 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, Thiruvarur, 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, shall report before the respondent police 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.

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

-sd/-

12/03/2021

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,
THIRUVARUR.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUVARUR TOWN POLICE STATION,
TIRUVARUR.

5 THE SUPERINTENDENT,
DISTRICT JAIL, NAGAPATTINAM.

+1 CC to M/S.V.T.NARENDIRAN Advocate on payment of necessary charges SR.NO.3241.

WEB COPY

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Date :12/03/2021

EP-15/03/2021