

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6404 of 2021

S.Salim Khan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Cheyur Police Station,
Tiruppur Dt.
(Crime No.93 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.93 of 2021 on the file of the respondent Police.

For Petitioner : Mr.J.Franklin

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

O R D E R

(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 14.03.2021 for the offence punishable under Sections 328 of I.P.C. and Section 5 r/w 22(a) and 23 of Cigarette and other Tobacco Products Act, 2003, in Crime No.93 of 2021, seeks bail.

2. The case of the prosecution is that when the respondent police was on patrol duty, the petitioner said to have found in possession of poisonous substances, which are banned by the Tamil Nadu Government and injurious to health. Hence, a criminal case has been registered, and the petitioner was arrested and remanded to judicial custody on 14.03.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner is in jail from 14.03.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has transported huge quantity of poisonous substances, which were banned by the Tamil Nadu Government and the same were injurious to health. She would submit that there is no bad antecedents against the petitioner. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that there is no bad antecedents against the petitioner and also considering the period of incarceration suffered by the petitioner from 14.03.2021, 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, Avinasi, 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 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/-
31/03/2021

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,
AVINASI.

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,
CHEYUR POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S.J.FRANKLIN Advocate on payment of necessary charges

WEB COPY

CRL OP.6404/2021

Date :31/03/2021

cs 01/04/2021