

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.7166 of 2020

Nemaram

... Petitioner

Vs.

The State Rep. by
Station House Officer,
Thittakudi Police Station,
Cuddalore District.
Crime No.60 of 2020.

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.60 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. M. Selvam

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 01.03.2020 for the offences punishable under Sections 273, 328 of IPC and Section 20(2) of Cigarette and other Tobacco Products Act, 2003 in Crime No.60 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner was found in possession of 8400 pockets of banned Tobacco products without any valid permit. Hence the complaint.

3. The petitioner was arrested and remanded to judicial custody on 01.03.2020. Subsequently, this Court by an order dated 27.03.2020 granted interim bail to the petitioner till 28.04.2020.

4. The learned counsel for the petitioner would submit that the petitioner has nothing to do with the alleged offence and a false case has been foisted against him only for statistical purpose. Hence, he prays for grant of bail.

5.The learned Additional Public Prosecutor would submit that the petitioner is said to have found in possession of 8400 pockets of banned Tobacco products.

6. Considering the facts and circumstances of the case and also also taken into account the period of incarceration undergone by the petitioner, 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 his executing 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 Judicial Magistrate, Thittakudi, Cuddalore District, 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 shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) as non-refundable deposit through RTGS/NEFT in favour of "Samayavalli Thayar Anbu Illam, 148, 2nd Main Road, Swami Vivekananda Nagar, Near New Bridge, Bye Pass Road, Ambur-635 802 A/c.104301000020134, IFSC Code No.LAVB0000104, PH: 9443542078.

(d) the petitioner, on his release from prison, shall appear before the respondent police as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) 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/-
02/03/2021

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,
THITTAKUDI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

6 THE SAMAYAVALLI THAYAR ANBU ILLAM
148, 2ND MAIN ROAD, SWAMI VIVEKANANDA NAGAR,
NEAR NEW BRIDGE, BYE PASS ROAD, AMBUR-635
802 A/C.104301000020134,
IFSC CODE NO.LAVB0000104, PH: 9443542078.

+1 CC to M/S. M.SELVAM Advocate on payment of necessary charges SR.NO.2648

WEB COPY CRL OP.7166/2020
Date :02/03/2021

TA-03/03/2021