



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12717 of 2021

N.Shanmugam

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Vellakoil Police Station,
Tiruppur District.
Crime No.718 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.718 of 2021 pending investigation on the file of the respondent Police.

For Petitioners : Mr.K.S.Karthik Raja

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioners, who were arrested on 23.06.2021 and remanded to judicial custody for the offence under Section 483, 420 & 328 of IPC and Section 63(b) of Copy Right Act 1957 and Sections 6(b) & 24(1) of Cigarette and other Tobacco Products Act 2003 in Cr.No.718 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.06.2021, when the defacto complainant and his father along with another person had visited the godown owned by the petitioner's son, they had found that two persons were arranging the tobacco bundles which are similar in nature of the defacto complainant's business product. They were found the other bundles of hans and vimal pan masala and the same was seized and handed over to the respondent police and lodged a complainant against the petitioner and other accused person.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offences and the petitioner's son is the owner of the godown and he had let out the said godown on rent to one Hariharan(A1). The petitioner has no other relationship with A1. However, the petitioner has been falsely



implicated in this case and he has been in jail from 23.06.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the respondent police was seized 200 bundles of tobacco products from the godown of the petitioner's son.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Kangeyam and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police daily morning at 10.30 am until further orders;

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

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

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

23/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1. THE JUDICIAL MAGISTRATE,
KANKEYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLAKOIL POLICE STATION,
TIRUPPUR.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.K.S.KARTHIK RAJA Advocate on payment of necessary
charges SR.NO.7675

CRL OP.12717/2021

Date :23/07/2021

TA-26/07/2021