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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.14412 of 2021

Ravisankar

... Petitioner

Vs.

The State Represented by:
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.
(Crime No.1541 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail concerned in Crime No.1541 of 2021 on the file of the respondent.

For Petitioner : Mr.C.Ramkumar

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1 side)

ORDER

The petitioner who was arrested on 20.07.2021 and remanded to judicial custody for the offence under Sections 328 of IPC r/w 24(1) of Cigarette and other Tobacco Products Act 2003, in Crime No.1541 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner found in illegal possession of 65 kgs of banned tobacco, when the defacto complainant purchased the chewable tobacco, suffered irritation, questioned the same, the petitioner threatened the defacto complainant with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 20.07.2021. However, on instructions, the learned counsel further submitted that the petitioner, without prejudice his rights, on his own volition, is ready to deposit an amount of Rs.1,00,000/- to the Adyar Cancer Hospital and Research Institute, Adyar, Chennai. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that there are four previous cases pending as against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner, 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, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.I, Tiruppur, and on further condition that:

(a) the petitioner shall make a non-refundable deposit of **Rs.1,00,000/- (Rupees one lakh only) to the credit of the Adyar Cancer Hospital and Research Institute, Adyar, Chennai**, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgment, shall accept the sureties furnished by the petitioner;

(b) 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;

(c) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

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

(f) on breach of any of the aforesaid conditions, the learned 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]**; and;



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

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-sd/-
16/08/2021

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,
NO.I, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE ADYAR CANCER
HOSPITAL AND RESEARCH INSTITUTE,
ADYAR, CHENNAI.

+1 CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges SR.NO.8600

CRL OP.14412/2021

Date :16/08/2021

TA-17/08/2021