

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.21005 of 2020

K. Hakeem

... Petitioner

Vs.

The State Rep. by  
The Inspector of Police,  
Rathinapuri Police Station,  
Coimbatore.  
(Crime No.1402 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.1402 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. J. Kingsly Solomon

For Respondent : Mr.M. Prabavathy,  
APP

O R D E R

(The case has been heard through video conference)

The petitioner, who is the sole accused, was arrested and remanded to judicial custody on 11.12.2020 for the offence punishable under Section 7(1) and 20(1) of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 in Crime No.1402 of 2020, seeks bail.

2. The case of the prosecution is that on 11.12.2020, the petitioner was found in possession of 345 bundles of banned tobacco products in his shop. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that, he is in possession of huge quantity of banned Tobacco products and the petitioner has no previous case. However, she opposed to grant bail to the petitioner.

5. Considering the fact that there is no previous case pending against the petitioner and also considering the period of incarceration suffered 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 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-II, Coimbatore 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, on 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/-  
08/01/2021

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 COURT-II,  
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
RATHINAPURI POLICE STATION,  
COIMBATORE.

+1 CC to M/S.J.KINGSLY SOLOMON Advocate on payment of necessary charges SR.No.228

CRL OP.21005/2020

Date :08/01/2021

cs 11/01/2021