



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21198 of 2021

GANESHAN

.. Petitioner

Vs.

The State by
The Sub-Inspector of Police
Dharmapuri Town Police Station
Dharmapuri
Crime No.1434 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.1434 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Bharathi Raja

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.10.2021 for the offences under Section 328 of IPC read with Section 6(a), 24(1) of Cigarette and Other Tobacco Products Act 2003 (COTPA), in Crime No.1434 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police was conducting vehicle check, the petitioner was found in illegal possession of banned tobacco product viz., 10 pockets of Hans, each containing 10 grams. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 25 days from 13.10.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate raised formal objection stating that the petitioner was found in possession of banned tobacco product and the value is about Rs.100/-. He would further submit that there is no previous case against the petitioner.

5. Considering the period of incarceration suffered by the petitioner and the fact that there is no previous case against the petitioner, this Court is inclined to grant bail to the petitioner with certain 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-I, Dharmapuri, 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 shall report before the respondent police, daily at 10.30 a.m. 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 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;

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

-sd/-

11/11/2021

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.



1 THE JUDICIAL MAGISTRATE,
NO.1, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
DHARMAPURI TOWN POLICE STATION,
DHARMAPURI.

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

CRL OP.21198/2021

Date :11/11/2021

RW 12/11/2021