



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

CORAM:

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

Cr1.O.P.No.21459 of 2021

Rathinavel

... Petitioner

Vs.

State Rep by its,
The Inspector of Police
Omalur Police Station
Salem District.
(Crime No.753 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.753 of 2021 on the file of the respondent.

For Petitioner : Mr.C.Deepak Kumar

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 08.10.2021 for the offences under Sections 7 read with 20(i) of Cigarette & Other Tobacco Product Act 2003, Section 273, 328 of IPC and Section 52, 59 of Food Safety and Standard Act 2006, in Crime No.753 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.10.2021 at about 13.00 hours, based on a secret information, when the respondent police conducted search on the petitioner, he was found in possession of 52 Hans Chaap Tobacco Packets, 7 Pan Masala Packets and 23 Nos. of VI Tobacco Packets. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would submit that the petitioner has been suffering incarceration for about 40 days from 08.10.2021. Hence he prays for grant of bail to the



4. The learned Government Advocate raised objection stating that the petitioner is a Bunk shop owner and he was found in possession of banned tobacco products. He would further submit that the properties were recovered and there is no previous case against the petitioner.

5. Considering the fact that there is no previous case against the petitioner and the investigation is almost completed and also considering the period of incarceration undergone by 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, Omalur, and on further conditions 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/-
16/11/2021

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

TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE,
OMALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S C. DEEPAK KUMAR Advocate on payment of necessary
charges SR.NO.12886

CRL OP.21459/2021

Date :16/11/2021

CSK 17/11/2021