



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Crl.O.P.No.25325 of 2021

Sowkath

... Petitioner

Vs.

State rep by
Inspector of Police,
Perumbalai Police Station,
Dharmapuri District.
(Crime No.232 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.232 of 2021 pending investigation on the file of the Inspector of Police, Perumbalai Police Station, Dharmapuri District.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 10.12.2021 for the offences under Section 328 of IPC r/w 6(a),24 (1) of Cigarette and other tobacco products Act 2003 in Crime No.232 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons involved in illegal transportation of 520 gms of various kinds of tobacco products. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to any Charitable Purpose as may be directed by this Court. He further submits that the petitioner has been suffering incarceration for more than 13 days from 10.12.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submits that petitioner along with other accused persons involved in illegal transportation of 520 gms of various kinds of tobacco products and the investigation was almost completed. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and also the fact that the investigation was almost completed and the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, 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 learned District Munsif-Cum-Judicial Magistrate, Pennagaram and on further conditions that:

(a) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Registered Advocates Clerks Association, Dharmapuri within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

(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 station on every Wednesday 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;

WEB COPY

-sd/-
23/12/2021

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 DISTRICT MUNSIF CUM
JUDICIALMAGISTRATE, PENNAGRAM

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PERUMBALAI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI

6 THE REGISTERED ADVOCATES
CLERKS ASSOCIATION, DHARMAPURI

CC to Mr.M.Selvam Advocate on payment of necessary charges
Sr.15522

CRL OP.25325/2021

Date :23/12/2021

RVR 23/12/2021