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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

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

Crl.O.P.No.149 of 2022

Hukum Singh

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
Omalur Police Station,
Salem District.
(Crime No.892 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.892 of 2021 on the file of the respondent.

For Petitioner : Mr.Deepak Kumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 18.12.2021 for the offences under Section 7 r/w 20(i) of Cigarette & other Tobacco Products Act 2003, Section 273, 328 of IPC and Section 52, 59 of Food Safety and Standard Act 2006, in Crime No.892 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that based on the secret information, the respondent police found 30 packets of contraband tobacco products in the petitioner's shop. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioners 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.5,000/- for the charitable purpose. He further submits that the petitioner has been suffering incarceration for more than 15 days from 18.12.2021. Hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner possessed 30 pockets of contraband



tobacco products. He further submitted that investigation was almost completed.

5. Considering the facts and circumstances of the case and also the fact that investigation is completed the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.5,000/- for the charitable purpose, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the Registered Advocate Clerks Association, Omalur under necessary acknowledgment without prejudice to his defence before the trial court and submit proof of payment of the said amount before the learned Judicial Magistrate and on such payment, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate, Omalur, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent police station on every Wednesday at 10.30 a.m. until further orders;

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

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

(g) 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 is 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;



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

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-sd/-

06/01/2022

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,
OMALUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALAM(FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE REGISTERED ADVOCATE CLERK
ASSOCIATION, OMALUR

CC to M/s.Deepak Kumar Advocate on payment of necessary charges

CRL OP.149/2022

Date :06/01/2022

RVR 07/01/2022