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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

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

Cr1.O.P.No.289 of 2022

Kombaiya

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
Karumathampatty Police Station
Coimbatore District.
Crime.No.806 of 2021.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation of the case in the Crime No.806 of 2021 on the file of the respondent.

For Petitioner : Mr.B.Parthiban

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 18.12.2021 for the offences under Sections 7(1) and 20(2) of Cigarette and other Tobacco Products Act, 2003 r/w 328 of IPC in Crime No.806 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.12.2021, when the respondent police officials were on regular patrol duty, they found that the petitioner along with others were found in illegal possession of 217 kgs of banned tobacco products and the same was seized from them. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 18 days from 18.12.2021. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.20,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that in this case, totally there are 217 kgs of banned tobacco products from the accused persons. From A1, 111 kgs and from A2/petitioner herein 106 kgs of banned tobacco products were recovered respectively. He further submits that the investigation was almost completed.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering period of incarceration undergone by the petitioner and the investigation was almost completed and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.20,000/- for 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.20,000/- (Rupees Twenty thousand only) to the Registered Advocate Clerks Association, Coimbatore District and on such deposit the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Principal and Sessions Court, Coimbatore 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 on every Wednesday at 10.30 a.m. until further orders;

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

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

(h) 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;



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

-sd/-
07/01/2022

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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 PRINCIPAL AND SESSIONS COURT,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
KARUMATHAMPATTY POLICE STATION,
COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
COIMBATORE DISTRICT.

CC to M/S.B.PARTHIBAN Advocate on payment of necessary charges

CRL OP.289/2022

Date :07/01/2022

INBA-10/01/2022