



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

WEB COPY

CORAM:

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

Crl.O.P.No.361 of 2022

M.Sundar

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
Sulur Police Station,
Coimbatore.
(Crime No.1126 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.1126 of 2021 on the file of the respondent police.

For Petitioner : Mr.N.Ponraj

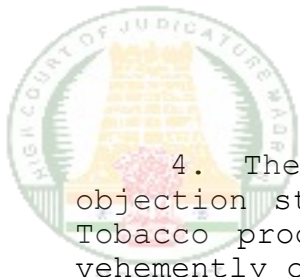
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 13.12.2021 for the offences under Section **24(1) Cigarettes and other Tobacco Products Act 2003 and r/w Section 328 of IPC** in Crime No.1126 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on the receipt of the information the respondent police were in regular duty, they found that the petitioner was in illegal possession of 24 Kgs of contraband 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.20,000/-** for the purpose of charitable purpose. He further submits that the petitioner has been suffering incarceration for more than 20 days from 13.12.2021. Hence, he seeks for grant of bail to the petitioners.



4. The learned Government Advocate (Crl. Side) would raise objection stating that petitioner possessed 25Kgs of the contraband Tobacco products and the investigation almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

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5. Considering the facts and circumstances of the case and also the fact that the investigation was almost completed, this Court is inclined to grant bail to the petitioners 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 shall deposit of Rs.20,000/- to the credit of Registered Advocate Clerks Association, Coimbatore, without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid 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, Sulur, 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;

(e) the petitioner shall report before the respondent police station on everyday at 5.30 p.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 has 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;

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

-sd/-
10/01/2022

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,
SULUR, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE.

5 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE

6 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
COIMBATORE DISTRICT.

CC to M/S.N.PONRAJ Advocate on payment of necessary charges

CRL OP.361/2022

Date :10/01/2022

TA-11/01/2022