



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No.911 of 2022

Prabhu

...Petitioner

Vs.

State rep. by
Inspector of Police,
Saibaba Colony Police Station,
Coimbatore City, Coimbatore.
(Crime No.750 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in connection with the Crime No.750 of 2021 pending on the file of the respondent police and pass such other orders and thus renders justice.

For Petitioner : Mr.R.Nalliyappan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 02.12.2021 for the offences under Section 273, 328 IPC r/w section 7(1) of Cigarettes and other Tobacco Products Act 2003, in Crime No.750 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 185 kilograms of banned tobacco items. 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 she has been falsely implicated in this case and that she has been suffering incarceration from 02.12.2021. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.25,000/- 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 the petitioner was found in illegal possession of banned tobacco items. He further submits that investigation was almost completed.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed and also the fact that the petitioner has willfully and on her own volition agreed to contribute a sum of Rs.25,000/- 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.25,000/- (Rupees Twenty Five 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.25,000/- (Rupees Twenty Five Thousand only) to the credit of THE UNITED HOME FOR ADULT MENTALLY ILL, 96A, Sathy Main Road, Kurubapalayam, Coimbatore and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.7, 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 daily 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/-

12/01/2022

WEB COPY

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 NO.7,
COIMBATORE.

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

3 THE INSPECTOR OF POLICE,
SAIBABA COLONY POLICE STATION,
COIMBATORE CITY, COIMBATORE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

6 THE UNITED HOME FOR ADULT
MENTALLY ILL, 96 A, SATHY MAIN ROAD,
KURUBAPALAYAM, COIMBATORE.

+1 CC to R.NALLIYAPPAN Advocate on payment of necessary charges
SR.NO.663

CRL OP.911/2022

Date :12/01/2022

INBA-19/01/2022