



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

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

Crl.O.P.No.3186 of 2022

Umad Singh @ Umaith Singh

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
R.S Puram Police Station,
Coimbatore.
(Crime No.644 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.644 of 2021, on the file of the respondent Police.

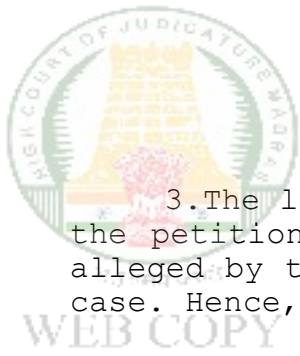
For Petitioner : Mr.G.Nirmal krishnan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence under Section 328 IPC r/w Section 7(1), 20(1) of COTPA Act (Restriction on trade and commerce in production to supply and Distribution of Cigarettes and other Tobacco Products) in Cr.No.644 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with one accused persons were in illegal possession of 839 Kgs of banned tobacco products and the same was seized by the respondent police. Hence, the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner is ranked as A1 and has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.side) raised objection stating that the petitioner along with other accused persons illegally transported 839 Kgs of contraband tobacco products. He further submitted that A2 and A3 still absconding and A2 is the godown owner and A1 was arrested and released on bail and the investigation almost completed.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and the investigation almost completed and he has no previous case and co-accused already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on her 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 the learned Judicial Magistrate Court - No.I, Coimbatore, and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of registered Advocate Clerk Association Chennai and Rs.50,000/- (Fifty Thousand Only) by way of demand draft to the credit of the Ramakrishna Mutt, Mylapore for Rehabilitation of Leprosy People;

[c] the petitioner shall report before the respondent police on every Wednesday, Tuesday and Sunday at 10.30 a.m., for a period of three months and thereafter as and when required for an interrogation;

[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 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

03/03/2022

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,
NO.I, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
R.S.PURAM POLICE STATION,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE
CLERK ASSOCIATION, CHENNAI.

6 THE OFFICER INCHARGE,
RAMAKRISHNA MUTT, MYLAPORE.

+1 CC to M/S.G.NIRMAL KRISHNAN Advocate on payment of necessary charges SR.NO. 3321

CRL OP.3186/2022

Date :03/03/2022

RW 08/03/2022