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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Crl.O.P.No.2597 of 2022

Shankar Kumar

... Petitioner

Vs.

The Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District.
(Crime No.18 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the Petitioner on bail concerned in Crime No.18 of 2022 pending on the file of the respondent.

For Petitioner : Mr.S.N.Arunkumar

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

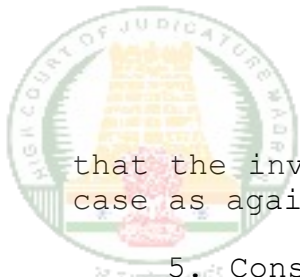
ORDER

The petitioner who was arrested and remanded to judicial custody on **12.01.2022** for the offences under **Sections 24(1) of COTP Act and 328 of I.P.C** in Crime No.18 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was involved in illegal sale of 134 kgs of chewable prohibited banned tobacco products. 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 20 days from 12.01.2022. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl.Side) raised objection stating that the petitioner was involved in illegal sale of 134 kgs of chewable prohibited banned tobacco products. He further submits



that the investigation was almost completed and there was no previous case as against the petitioner.

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 also the fact that the investigation was almost completed and there was no previous case as against the petitioner, 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 shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the **learned Judicial Magistrate Court No.1, Pollachi 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/-

04/02/2022

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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 JUDICIAL MAGISTRATE,
NO.I, POLLACHI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KINATHUKADAVU POLICE STATION,
COIMBATORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

CRL OP.2597/2022

Date :04/02/2022

TA-07/02/2022