



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM:

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

Crl.O.P.No.4668 of 2022

Elango

... Petitioner

Vs.

The State Rep by:
The Inspector of Police,
Panchapalli Police Station,
Dharmapuri District.
(Crime No.127 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.127 of 2021 on the file of the respondent police.

For Petitioner : Mr.G.Anbarasu

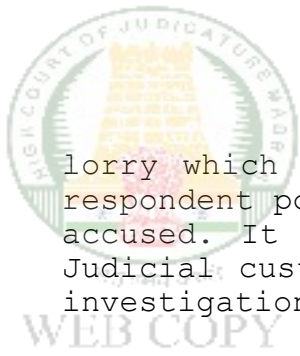
For Respondent : Mr.L.Baskaran
Government Advocate (Crl side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 29.12.2021 for the offences under Sections 328 of I.P.C r/w Section of Cigarette and other Tobacco Products Act, 2003, in Crime No.127 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.12.2021 at about 13.00 hrs., when the respondent police and his subordinates were in routine check up from Denkanikottai to Panjapalli road, Chinnar Dam, the respondent police stopped a lorry bearing registration No.TN 18-54V-1324 and on search, they found that the petitioner was in possession of 50 bags of Hans containing 1500 packets totally 75,000 packets of Hans, and 15 bags of Vimal Pan Masala and 3 bags of VI Tobacco. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner being owner of the



lorry which was used for the commission of offence, arrested by the respondent police based on the confession statement given by the other accused. It is his specific submission that the petitioner is under Judicial custody from 29.12.2021 onwards and as of now, a portion of investigation has been completed. Hence he prays for bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent police raised objection stating that the investigation is pending. However, he admits that the other accused who involved in the alleged occurrence are all enlarged on bail. Further, a portion of investigation have been completed at present.

5. The submissions made by the learned Counsel on either side are considered.

6. Considering the facts and circumstances of the case and also the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed, this Court is inclined to grant bail to the petitioner with conditions.

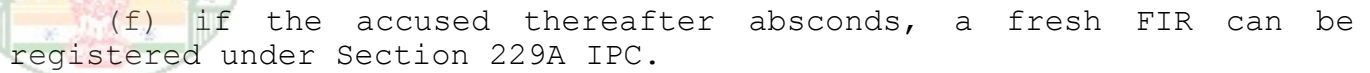
(a) the petitioner is ordered to be released on bail to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate, Palacode;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

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

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];



09/03/2022

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