



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.6408 of 2022

Laxmimahanthy @ Lakshmimahanthy

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Avanashi Police Station,
Tirupur District.
(Crime No.71 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner in connection with Crime No.71 of 2022 on the file of respondent police.

For Petitioner : Mr.S.Madhusudanan

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested on 06.02.2022 for the offences punishable under Sections 328 and 273 of IPC r/w Sections 7(1), 20(2) of COTPA Act in Crime No.71 of 2022, on the file of the respondent police, seeks bail.

2. The allegation against this petitioner is that the petitioner was found in possession of 37 Kgs of banned Tobacco products. 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. It is his specific submission that the petitioner is under Judicial custody from 06.02.2022 onwards and as of now, a portion of investigation has been completed. Hence he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the investigation is pending. However, she admits that there is no previous case pending against this petitioner.



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 shall make a non-refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Kaakkum Karangal Old Age Home, 89/47, Santhome High Road, Santhome, Chennai-600 028, A/c No.000101219273, ICICI Bank, Santhome Branch, IFSC Code:ICIC0003432, MICR Code:600229120, Swift Code: ICICINBBXXX, Mobile No.9840068800.

(b) 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, Avinashi, Tiruppur District;

(c) 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;

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

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

(f) 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/03/2022

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

WEB COPY

1 THE JUDICIAL MAGISTRATE,
AVINASHI, TIRUPPUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
AVANASHI POLICE STATION, TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

6 KAAKKUM KARANGAL OLD AGE HOME,
89/47, SANTHOME HIGH ROAD,
SANTHOME, CHENNAI-600 028, A/C NO.000101219273,
ICICI BANK, SANTHOME BRANCH,
IFSC CODE:ICIC0003432, MICR CODE:600229120,
SWIFT CODE: ICICINBBXXX, MOBILE NO.9840068800.

CC to M/S.S.MADHUSUDANAN Advocate on payment of necessary
charges Sr.4164

CRL OP.6408/2022

Date :18/03/2022

RVR 18/03/2022