



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11423 of 2022

K.MUTHU KUMAR

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE
PALLADAM POLICE STATION,
PALLADAM.
(CRIME NO.291/2022)

For Petitioner : M/S.R.KARTHIK Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 24.03.2022 for the alleged offence under Sections 273 and 328 of I.P.C r/w 7(1) and 20(2) of COTPA Act 2003, in Crime No.291 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that a huge quantity of nearly 1500 Kgs of Tobacco products were recovered from the premises of the petitioner. There are four accused persons in this case and the petitioner has been arrayed as A.4.

3. Learned counsel for the petitioner submitted that the petitioner had leased out the property to A.1 to A.3 and it is they who had indulged in stocking the banned tobacco products in the premises and the petitioner was not aware of the same. The learned counsel had further submitted that the petitioner has already suffered incarceration for nearly 53 days.



4. Per contra, learned Government Advocate (Criminal Side) had submitted that all the four accused persons were arrested and the entire contraband was seized from the premises belonging to the petitioner. He further submitted that there are no previous cases against the petitioner and the respondent police is opposing the bail petition.

5. Taking into consideration the facts and circumstances of the case and the defence taken by the petitioner and also of the fact that the petitioner is in incarceration for nearly 53 days and there are no previous cases against the petitioner and the contraband has already seized by the respondent police, the petitioner will be entitled for statutory bail. In view of the same, this Court is inclined to enlarge the petitioner on bail subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his 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, Palladam, and on further conditions that:-

[a] the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), by way of Demand Draft to the Cancer Institute (WIA), East Central Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond.

[b] the petitioner and 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.

[c] the petitioner is directed to report before the respondent police on every Monday at 10:30 a.m until further orders.

[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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
18/05/2022

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,
PALLADAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
PALLADAM POLICE STATION,
PALLADAM, TIRUPPUR.

4 THE OFFICER INCHARGE,
SUB JAIL, PALLADAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE CANCER INSTITUTE (WIA)
EAST CENTRAL BANK ROAD,
ADYAR, CHENNAI.

+2CC to M/S.R.KARTHIK Advocate on payment of necessary charges
SR.NO.7277

CRL OP.11423/2022

Date :18/05/2022

CSK 20/05/2022