



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12150 of 2022

FATARAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE DISTRICT
(CRIME NO.184 OF 2022)

[RESPONDENT]

For Petitioner : M/S. C.RAMKUMAR Advocate

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

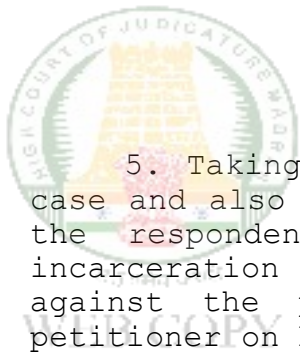
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 26.03.2022 for the alleged offences under Sections 328, IPC and 24 (i) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.184 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 370 kgs of banned tobacco products, valued at a sum of Rs.3,60,000/-.

3. Heard Mr.C.Ramkumar, learned counsel for the petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor for the respondent.

4. There are totally two accused persons in this case and the petitioner has been arrayed as A2.



5. Taking into consideration the facts and circumstances of the case and also the fact that the entire contraband has been seized by the respondent Police and the petitioner has already suffered incarceration for nearly 57 days and there is one previous case against the petitioner, this Court is inclined to enlarge the petitioner on bail subject to imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail (i) on depositing a sum of Rs.25,000/- (Rupees twenty five thousand only) with the President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157), and (ii) on 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, Sulur, and on further conditions that:-

[a] 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;

[b] the petitioner shall report before the respondent Police every Friday at 06.30 p.m until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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 v. State of Kerala [(2005) AIR SCW 5560]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
23/05/2022

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,
SULUR

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE PRESIDENT,
TAMIL NADU ADVOCATES CLERK ASSOCIATION,
MADRAS HIGH COURT, CHENNAI
(INDIAN BANK, HIGH COURT BRANCH,
A/C NO.484026006, IFSC CODE:IDIB000M157)

+1 CC to M/S. C.RAMKUMAR Advocate on payment of necessary
charges SR.NO.7767

CRL OP.12150/2022

Date :23/05/2022

JPA 24/05/2022