



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12376 of 2022

S.SIVA PERUMAL

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR DISTRICT
CRIME NO.291 OF 2022.

[RESPONDENT]

For Petitioner : M/S.S.KUMARESAN Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

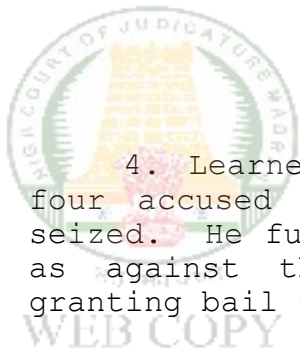
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 24.03.2022 for the alleged offences under Sections 273 and 328 of IPC r/w Sections 7(1) and 20(2) of Cigarette and other Tobacco Products Act, 2003 in Crime No.291 of 2022 on the file of the respondent police, seeks bail.

2. Totally, there are 4 accused persons and the petitioner is arrayed as A3 in this case. The case of the prosecution is that on 24.03.2022, the petitioner along with other accused persons were found in illegal possession of 1500 kgs of Tobacco products, which was prohibited by the Government of Tamil Nadu.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioners.



4. Learned Additional Public Prosecutor submitted that all the four accused persons were arrested and the entire contraband was seized. He further submitted that there is no previous case pending against this petitioner. However, he vehemently opposed for granting bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner has already suffered incarceration for nearly 53 days and there is no previous case pending against the petitioner and also that the contraband has already been seized by the respondent-Police, the petitioner will be entitled for statutory bail. In view of the same, this Court is inclined to grant bail to the petitioner subject to 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 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 deposit a sum of Rs.50,000/- (Rupees fifty thousand only), by way of Demand Draft to the Cancer Institute (WIA), East Canal 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;

[c] the petitioner shall report before the respondent police daily on every Monday at 10.30 am., 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 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.

WEB COPY

-sd/-
25/05/2022

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,
TIRUPPUR DISTRICT

4 THE OFFICER INCHARGE
SUB JAIL, PALLADAM,
TIRUPPUR DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.S.KUMARESAN Advocate on payment of necessary charges
SR.NO.7838

CRL OP.12376/2022

Date :25/05/2022

JPA 26/05/2022