



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2022

CORAM:

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.No.13140 of 2022

M. Ramesh Kumar

.. Petitioner/Accused

Vs.

The State rep. by
The Inspector of Police
Chettipalayam Police Station
Coimbatore
(Crime No.154 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.154 of 2022 on the file of the respondent police.

For Petitioner : M/s.J.Kingsly Solomon

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

O R D E R

The petitioner, who was arrested on 21.04.2022 for the offences punishable under Sections 24(1) of Cigarettes and Tobacco Products Act, 2003 and 328 of IPC Crime No.154 of 2022, seeks bail.

2. The case of the prosecution is that the defacto complainant based on secret information, conducted a search in the rented shop of the petitioner and found 1015 kgs of banned tobacco and Panmasala, etc., from 83 White Sack Bundles 1) Hanes Chaap tobacco 09 Bundles - 186.100 kgs, 2) Swagath Gold 10 Bundles - 261.300 kgs, 3) Cool Lip 8 Bundles 113.400 kgs, 4) Ganesh 06 Bundles - 120.800 kgs 5) Vimal 49 Bundles - 324 kgs totalling 1005.600 kgs from the Shop. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is suffering incarceration from 21.04.2022. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would vehemently opposed stating that the petitioner was in possession of 1005 kgs of banned tobacco products illegally. He would further submit that in this case, there is no change of circumstances and five persons have been examined and await for chemical analysis report. He would further submit that the native place of the accused is Rajasthan and there is no previous case pending against the petitioner and prays for dismissal of the petition.

5. Considering the facts and circumstances of the case and period of incarceration and that a part of investigation is completed, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, out of which, one shall be a blood relative surety, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Madukkarai.

(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 is directed to appear before the Investigating Officer 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) 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];

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

-sd/-

07/06/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADUKKARAI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CHETTIPALAYAM POLICE STATION,
COIMBATORE

CC to M/S J.KINGSLY SOLOMON Advocate on payment of necessary
charges Sr.8524

CRL OP.13140/2022

Date :07/06/2022

RVR 07/06/2022