



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.OP.No.14870 of 2022

Bheraram

..Petitioner/sole accused

Vs.

State Rep by
Inspector of Police,
Sulur Police Station,
Coimbatore District
crime No.346 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.346 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Ponraj

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.06.2022 for the offences punishable under Section 24(1) of Cigarette and other Tobacco Products Act, 2003 r/w Section 328 of IPC in crime No.346 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police were on patrol work on 08.06.2022, the petitioner was found with a white bag and on seeing them, he attempted to escape. Thereafter he was caught by them and found with 320 kg of banned tobacco products worth Rs.5 lakhs. Hence, the case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.1,00,000/- to the Cancer Institute(WIA), East Canal Bank Road, Adyar, Chennai, and prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner, who is the sole accused, was found in illegal possession of 320 kg of banned tobacco products worth Rs.5,00,000/- . Hence, he vehemently opposed to grant bail to the petitioner.

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5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.1,00,000/- to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only), by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai, and on such deposit, 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 blood related 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 deposit a sum of Rs.1,00,000/- (Rupees One Lakh 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 stay at Chennai and report before the Inspector of Police, Egmore Police Station, Chennai daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation.

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

[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 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/-

28/06/2022

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 JUDICIAL MAGISTRATE,
SULUR

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

6 THE INSPECTOR OF POLICE,
EGMORE POLICE STATION, CHENNAI

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

CC to M/S. N.PONRAJ Advocate on payment of necessary charges

CRL OP.14870/2022

Date :28/06/2022

RVR 29/06/2022