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CrI.OP.No.17537 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2022

CORAM

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

CrI.OP.No.17537 of 2022

Shanmugapandi

..Petitioner

Vs.

State represented by  
The Inspector of Police,  
Ramanathapuram Police Station,  
Coimbatore City.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.  
praying to enlarge the petitioner on bail pending investigation in Crime  
No.326 of 2022 on the file of the respondent police station.

For Petitioner : Mr.H.Rajasekar

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

### **ORDER**

The petitioner, who was arrested and remanded to judicial  
custody on 22.06.2022 for the offence under Sections 6(b) r/w 24(1)



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COTPA Act 2003 and Section 328 of IPC in crime No.326 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is alleged to have found in possession 201 packets of banned tobacco products worth about Rs.25,000/-. Hence, this complaint.

3. The learned counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 22.06.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in possession of banned tobacco products worth about Rs.25,000/- and selling it to the general public. He would also submit that the petitioner has six previous cases pending against him.

5. Considering the above facts and circumstances of the case,



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and also the period of incarceration of the petitioner from the date of his arrest i.e. 22.06.2022, this Court is inclined to grant bail to the petitioner.

Accordingly, the petitioner shall deposit a sum of **Rs.25,000/-(Rupees Twenty Five Thousand 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 sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.6, Coimbatore** 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.25,000/-(Rupees Twenty Five 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 twice daily at 10.30 a.m. and 5.30 p.m., for a period of six weeks and thereafter, as and when required for interrogation.



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[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.

27.07.2022

mpl



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**G.K.ILANTHIRAIYAN, J.**

mpl

To

- 1.The Judicial Magistrate No.6,  
Coimbatore.
- 2.The Inspector of Police,  
Ramanathapuram Police Station,  
Coimbatore City.
- 3.Central Prison,  
Coimbatore.
- 4.The Public Prosecutor,  
High Court of Madras

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