



WEB COPY



CrI.OP.No.18441 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2022

CORAM

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

CrI.OP.No.18441 of 2022

Aravindh Kumar

..Petitioner

Vs.

The State rep by
The Inspector of Police,
DhallyPolice Station,
Dhally,
Tiruppur District.

..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.122 of 2022 on the file of the Inspector of police, Dhally Police
Station, Tiruppur District.

For Petitioner : Mr.D.Arun

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

ORDER

The petitioner, who was arrested and remanded to judicial



CrI.OP.No.18441 of 2022

custody on 07.07.2022 for the offence under Sections 328, 22, 23 of IPC and Section 5 of Cigarette and Other Tobacco Products Act 2003 in crime No.122 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 52 Kgs of banned tobacco products. 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 07.07.2022. 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 52 Kgs of banned tobacco products. He would also submit that the petitioner has no previous cases pending against him.



CrI.OP.No.18441 of 2022

5. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his arrest i.e. 07.07.2022, 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.II, Thiruppur District** 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



CrI.OP.No.18441 of 2022

thereafter, 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.

04.08.2022

mpl



WEB COPY



CrI.OP.No.18441 of 2022



WEB COPY



CrI.OP.No.18441 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.II,
Thiruppur District.
- 2.The Inspector of Police,
DhallyPolice Station,
Dhally,
Tiruppur District.
- 3.Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras

CrI.O.P.No.18441 of 2022

04.08.2022