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CrI.OP.No.19507 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2022

CORAM

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

CrI.OP.No.19507 of 2022

P.Sakthivel Kumar

..Petitioner

Vs.

State By: Inspector of Police,
Pollachi Taluk Police Station,
Coimbatore District.
(Cr. No.221 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in the event of his arrest by the
respondent police in Crime No.221 of 2022.

For Petitioner	: Mr.B.Vijayakumar
For Respondent	: Mr.A.Gopinath, Government Advocate (crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 24.07.2022 for the offence under Section 24(1) of Cigarette
and other Tobacco Product Act, 2003 and Section 328 of IPC in crime



Crl.OP.No.19507 of 2022

No.221 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of various kinds of banned tobacco product (cool lip, Hans Chaap Tobacco, Vimal Pan Masala, VI Tobacco, Ganesh, Vimal Tobacco) and seized 49 Kgs of banned tobacco products from him. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit 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 24.07.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner was found in possession of 49 Kgs of banned tobacco products worth about Rs.25,000/-. Hence, he vehemently opposed to grant bail to the petitioner.

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



CrI.OP.No.19507 of 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)** to the **Chief Justice Relief Fund, High Court, Madras as non-refundable deposit**, 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, one among the sureties shall be a blood surety, each for a like sum to the satisfaction of the **Judicial Magistrate Court No.2, Pollachi** 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)** to the **Chief Justice Relief Fund, High Court, Madras as non-refundable deposit** 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 four weeks and thereafter as and when required for interrogation.



CrI.OP.No.19507 of 2022

WEB COPY

[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.

17.08.2022

mpl



WEB COPY



Crl.OP.No.19507 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate Court No.2, Pollachi.
- 2.The Inspector of Police,
Pollachi Taluk Police Station,
Coimbatore District.
- 3.Sub Jail,
Pollachi.
- 4.The Public Prosecutor,
High Court of Madras

Crl.O.P.No.19507 of 2022

17.08.2022