



Crl.OP.No.20597 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2022

CORAM

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

Crl.OP.No.20597 of 2022

G.Gowtham

...Petitioner

Vs.

State rep by:
The Inspector of Police,
Race Course Police Station,
Coimbatore District.
Crime No.350 of 2022

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to grant bail to the petitioner on bail concerned in Crime No.350
of 2022 on the file of the respondent.

For Petitioner : Mr. R.Parthiban

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.08.2022 for the offences punishable under Sections **7(1), 20(2) of Cigarette and other Tobacco Products Act read with Section 328 of IPC** in Crime No.350 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 4 kgs of banned tobacco products. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and false case has been foisted against the petitioner. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that, apart from this case, there are two previous cases pending against the petitioner. However, he opposed to grant bail to the petitioner.



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5. Taking into consideration the facts of the case and also the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code: ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No. 9445008148, 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 **learned Judicial Magistrate-III, 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.



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[b] petitioner shall deposit a sum of Rs.25,000/- (Rupees Fifty Thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148 and that the receipt of such deposit 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 04.30.p.m., for a period of four weeks and 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].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

29.08.2022

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To

1. Judicial Magistrate No.III,
Coimbatore.
- 2.The Inspector of Police,
Race Course Police Station,
Coimbatore District.
3. Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

Sma

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