



Crl.O.P.No.21708 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21708 of 2022

Manikavasagam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Saravanampatti Police Station,
Coimbatore District.
(Crime No.548/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail in Crime No.548 of 2022
pending investigation before the respondent police.

For Petitioner : Mr.S.Ramesh

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.08.2022 for the offences punishable under Section 328 of IPC and Section 7(2) of Cigarette and other Tobacco Products Act, 2003 in Crime No.548 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.08.2022, on receipt of secret information, when the respondent police conducted a search, the petitioner was found in possession of 52 kgs of banned tobacco products of various brands. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.20,000/- to any Welfare Scheme of the Government. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was found in possession of 52 kgs of banned tobacco products of various brands. He would also submit that there is no previous case as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.20,000/- to any Welfare scheme of the Government, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) by way of Demand Draft to the **Dean, Government Coimbatore Medical College Hospital, Coimbatore**, and on



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such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, 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 report before the respondent Police, daily at 10.30 a.m., and 05.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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**



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5560];

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

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To

1. The Judicial Magistrate-II,
Coimbatore.
2. The Inspector of Police,
Saravanampatti Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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