



Crl.OP.No.24416 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE **SATHI KUMAR SUKUMARA KURUP**

Crl.OP.No.24416 of 2022

Lalithkumar

...Petitioner

Vs.

State represented by
The Inspector of Police,
Peralam Police Station,
Thiruvarur District.
(Crime No.433 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail in connection with Crime
No.433 of 2022 on the file of the Respondent Police.

For Petitioner :Mr.T.Muruganantham

For Respondent :Mr.S.Raja Kumar,
Additional Public Prosecutor



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 21.09.2022 for the offences punishable under Sections **273, 328 of IPC, Sections 7 and 20(1) of Cigarette and other Tobacco Products Act 2003** in crime No.433 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 Hans (CHAAP) Tobacco 675 pockets, Col Lip (Filter) Tobacco 168 pockets, Vimal Pan Masala 2250 pockets and VI Tobacco 2250 pockets. Hence, the case.

3. The learned Counsel appearing for the Petitioner would submit that a false case has been foisted against him. He would also submit that the Petitioner was arrested and remanded to judicial custody on 21.09.2022. He would further submit that without prejudice, the Petitioner is prepared to deposit a sum of Rs.30,000/- to the Government for any welfare purpose. Hence, he prays for grant of bail to the Petitioner.



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4.The learned Additional Public Prosecutor appearing for the Respondent would submit that the Petitioner was found in possession of Hans (CHAAP) 675 pockets, Col Lip (Filter) 168 pockets, Vimal Pan Masala 2250 pockets and VI Tobacco 2250 pockets of contraband worth about Rs.30,000/-. Hence, he vehemently opposed to grant bail to the Petitioner.

5.Heard the learned Counsel. Considering the facts and circumstances of the case and without prejudice, Petitioner is undertaking to deposit a sum of Rs.30,000/- to the Government for any welfare purpose, this Court is inclined to grant bail to the Petitioner.

6. Accordingly, the Petitioner shall deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** as non refundable deposit to the credit of **“The Dean/Medical Officer, Government Medical College and Hospital, Tiruvarur District”**, and on such deposit the Petitioner is ordered to be released on bail on executing a



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bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Nannilam. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate, Nannilam, obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.



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(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

vkr

To

1. The Judicial Magistrate, Nannilam.

2. The Inspector of Police,
Perlam Police Station,
Thiruvarur District.

3. The Central Prison, Trichy.

4. The Public Prosecutor,
High Court of Madras

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SATHI KUMAR SUKUMARA KURUP., J.

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