



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.31910 of 2022

Rayappan

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District.
(Crime No.881 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in Crime No.881 of 2021 on the file of the respondent police.

For petitioner : Mr.A.Sathishkumar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 11.12.2022 for the offence under Sections 7(1), 20(2) of Cigarette and Other



Tobacco Products Act, 2003 and Section 273, 328 of IPC, in Crime No.881 of 2022, on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 20.750 Kgs of banned tobacco products.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that petitioner has been suffering incarceration for more than 10 days. However, the petitioner, on his own volition, he is ready and willing to contribute non refundable deposit of Rs.10,000/- to the credit of any welfare association without prejudice to his rights and contentions. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner was found in illegal possession of 20.750 Kgs of banned tobacco products. He would further submit that the petitioner has no previous cases against him. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the nature of allegation against the petitioner and considering the period of incarceration undergone by the petitioner and that the petitioner had willfully and on his own volition has agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.10,000/- to the credit of Registered Advocate Clerks Association, Coimbatore.

6. Accordingly, 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 V, 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 deposit a sum of Rs.10,000/- to the credit of Registered Advocate Clerks Association, Coimbatore.

[c] the petitioner shall report before the respondent



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police on every Saturday at 10.30 a.m., until further orders;

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

[e]the petitioner shall not abscond during investigation/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]***; and;

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

22.12.2022

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To

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



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T.V.THAMILSELVI,J.
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