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Crl.O.P.No.1324 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

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

Crl.O.P.No.1324 of 2023

Arulraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pollachi West Police Station,
Pollachi, Coimbatore District.

(Crime No.328 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending in Crime No.328 of 2022
pending on the file of the respondent.

For Petitioner : Mr.P.Kalimuthu

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.12.2022 for the offences punishable under Sections 328 r/w 511 of IPC, in Crime No.328 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner involved in selling of banned tobacco products. The respondent Police has arrested the petitioner and recovered about 57 kilograms of banned tobacco products from this petitioner. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is running a petty shop and he objected the removal of the same in platform, due to which the respondent has foisted a false case as against the petitioner. He further submitted the petitioner is no way connected with the alleged offence and also stated that the petitioner is in custody from 23.12.2022 and hence, he prayed to grant



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bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner was found in selling of banned tobacco products in his shop and about 57 kilograms of banned tobacco products were seized from the petitioner. He also stated that no previous case is pending as against the petitioner, however, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust as may be directed by this Court and he prays to grant bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7. Taking into consideration the facts and submissions made by the learned counsel and also taking note of the fact that the petitioner without



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prejudice his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 No.II, Pollachi**, and on further conditions that:

[a] the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of **Coimbatore Advocate Clerks Welfare Association**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

[b] 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;

[c] the petitioner shall report before the respondent Police on every Saturday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

23.01.2023

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To

1. The Judicial Magistrate-II, Pollachi.
2. The Inspector of Police,
Pollachi West Police Station,
Pollachi, Coimbatore District.
3. The Sub Jail,
Pollachi, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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