



Crl.O.P.No.9463 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

Crl.O.P.No.9463 of 2023

Ananthanarayanan

... Petitioner

Vs.

The State represented by
Inspector of Police
Palladam Police Station
Tiruppur District
(Crime No.395 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.395 of 2023 on the file
of the respondent.

For Petitioner : Mr.S.Ramesh

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 12.04.2023, for the offences punishable under Sections 273, 328 of IPC, Sections 7(1) and 20(2) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.395 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.04.2023, the petitioner along with two others, was found illegally transporting banned tobacco products viz., Vimal, V1, Swagat, Ganesh, Hans and Cool lips weighing 641 kgs. by using a TATA Ace vehicle bearing Regn.No.TN 42 AE 0173. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is a driver and he is no way connected with the alleged offence and he has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody from 12.04.2023 and without prejudice to his rights and defence, the petitioner is ready and willing to deposit a substantial amount to any welfare scheme run by the Government as may be directed by this Court and he prayed for grant of bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent vehemently opposed to grant bail to the petitioner stating that it is a case of huge haul of banned tobacco products worth Rs.6,70,000/- and that the petitioner was arrested very recently on 12.04.2023.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only)** by way of **RTGS/NEFT to the credit of "M/s.The Tamil Nadu Juvenile Justice Fund, Account Number: 358001000000671, IFSC Code : IOBA0001288, MICR:600020073, Indian Overseas Bank, SME Kilpauk Branch, 20,**



Ormes Road, Kilplauk, Chennai-600 010", without prejudice to his rights and contentions before the trial Court, on such deposit, 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, Palladam**, 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 everyday at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m. until further orders;

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



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[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 5560]*;

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

28.04.2023

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To

1. The Judicial Magistrate,
Palladam.
2. The Inspector of Police,
Palladam Police Station,
Tiruppur District.
3. The Tiruppur District Jail,
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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