



Crl.O.P.No.10675 of 2023

**WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 10.05.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

**Crl.O.P.No.10675 of 2023**

Jitendra Kumar

... Petitioner

Versus

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

Crime No.94 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.

praying to release the petitioner on bail in Crime No.94 of 2023 pending  
on the file of the respondent.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.E.Raj Thilak  
Additional Public Prosecutor



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## ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.04.2023, for the offence punishable under Sections 24(1) of the Cigarette and other Tobacco Products Act, 2003, r/w 328 & 511 of I.P.C., in Crime No.94 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they found that the accused was found to be in illegal possession of 211.80 kilograms 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 had also submitted that the petitioner is in custody from 25.04.2023. Hence, he seeks for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the petitioner was found to be in illegal possession of 211.80 kilograms of banned tobacco products worth about Rs.1,75,000/-. Hence, vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case, the period of incarceration and that further custody of the petitioner is not required for investigation, this Court is inclined to grant bail on the following conditions;

[a] the petitioner shall execute 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 Court-II at Pollachi.

[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 daily at 10.30 a.m. until further orders.



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

10.05.2023

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To

1. The Judicial Magistrate Court II,  
Pollachi.
2. The Inspector of Police,  
Pollachi West Police Station,  
Coimbatore District.
3. The Central Prison,  
Coimbatore.
4. The Public Prosecutor,  
High Court of Madras,  
Chennai.



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**SUNDER MOHAN, J.**

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*10.05.2023*