



WEB COPY



Crl OP No.10821 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.OP. No. 10821 of 2023

Gopi

... Petitioner

Versus

State rep.by
The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District
(Crime No.200 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.
200/2023 on the file of the Inspector of Police, Sirkazhi Police Station ,
Mayiladuthurai District.

For Petitioner : Mr.M.Vinoth

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 10.04.2023 for the offence punishable under Sections 273, 328 of IPC and Section 20 (2) of Cigarette and other tobacco products (Prohibition of Advertisement, regulation, trade, commerce, production, supply and Distribution Act 2003) , in Crime No.200 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioner had illegally transported 2250 pockets of Hans in a two wheeler bearing Reg.No.TN 82 V 3573. Hence, the case.

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, since he has got some previous cases. He had also submitted that the petitioner is in custody from 10.04.2023. Hence, he seeks for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that petitioner had illegally transported 2250 pockets of Hans in a two wheeler bearing Reg.No.TN 82 V 3573. He further submitted that two previous cases of similar nature are pending as against the petitioner and 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, Sirkazhi.

[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.



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[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[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

(sma/sha)



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SUNDER MOHAN, J

(sma)

To

1.The Judicial Magistrate Court, Sirkazhi.

2.The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District

3.Sub Jail, Sirkazhi.

4.The Public Prosecutor,
High Court of Madras,
Chennai

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10.05.2023