



Crl.OP.No.12144 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.12144 of 2023

Sugumar

... Petitioner

Vs.

The State, rep. by
Inspector of Police,
Ariyalur Police Station,
Ariyalur District.
(Crime No.118 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in connection with Crime No.118 of
2023 on the file of the respondent police.

For Petitioner : Mr.S.Arumugam

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 25.04.2023 for the offences punishable under Sections 272, 273, 328 of IPC read with Section 59 FSSA Act 2006, Sections 7(5), 20(2), COTP Act and 77 JJ Act in Crime No.118 of 2023 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 banned tobacco products like Cool Lips of 770 grams in 6 packets, Vimal Pan Masala of 92 grams in 13 packets, Hans of 3600 grams in 12 packets, totally worth about Rs.7,450/-. Hence, the case.

3. The learned Counsel appearing for the Petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.side) appearing for the Respondent would submit that the petitioner was found in illegal possession



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of banned tobacco products Cool Lips of 770 grams in 6 packets, Vimal Pan Masala of 92 grams in 13 packets, Hans of 3600 grams in 12 packets, totally worth about Rs.7,450/-. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed the grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions:

7. Accordingly, **the petitioner is directed to deposit a sum of Rs.5,000/-(Rupees Five Thousand only) to the Cancer Institute Adayar, Madras as non-refundable deposit** and on such deposit, the Petitioner is ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall



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be a blood surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Ariyalur and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the Cancer Institute Adayar as non-refundable deposit** and the receipt of such deposit shall be produced before the concerned learned Magistrate at the time of execution of bond.

(c) the Petitioner shall report before the respondent police daily at 10.00 a.m., until further orders;

(d) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(e) the Petitioner shall not abscond either during investigation or trial;



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(f) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(g) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(h) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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SATHI KUMAR SUKUMARA KURUP,J.

Mpl/Jeni

To

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

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