



Crl.O.P.No.16440 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.16440 of 2023

Pavithrakumar Pathira

...Petitioner

Vs.

The State rep by,
The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.
(Crime No.227/2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.227/2023 on the file of the respondent police.

For Petitioner : Mr.K.Prabhakaran

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



Crl.O.P.No.16440 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.07.2023 for the offences punishable under Section 328 of IPC and Sections 7, 20(1) of Cigarette and other Tobacco Products Act 2003 in Crime No.227 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.227 of 2023 for the offences under Section 328 of IPC and Sections 7, 20(1) of Cigarette and other Tobacco Products Act 2003. He further submitted that, petitioner is innocent and he is falsely implicated in this case. Petitioner is in judicial custody from 06.07.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, petitioner was found in illegal possession of tobacco products like Swagat gold – 400 gms (5 packets), V1 Tobacco – 1 gram (30 packets), Hans Chaap tobacco – 20 grams (45 packets), V1 Tobacco – 2 grams (150 packets), Vimal – 6 grams (110



Crl.O.P.No.16440 of 2023

packets), Vimal – 6 grams (600 packets) and Vimal – 12.5 grams (33 packets) on 06.07.2023, at about 13.00 hrs in a vehicle bearing registration No.TN 70 AH 2245 near Jujuvadi check post. The tobacco products and the vehicle were seized. Therefore, he prays for dismissal of this bail petition.

4. Considering the nature of the allegations made against the petitioner, and that the tobacco products and the vehicle were seized and that petitioner is in judicial custody from 06.07.2023, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Hosur** 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 without prejudice to his defence shall deposit a non-refundable sum of



WEB COPY



Crl.O.P.No.16440 of 2023

Rs.10,000/- (Rupees Ten Thousand Only), by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[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



Crl.O.P.No.16440 of 2023

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.

24.07.2023

mpl

To

1.The Judicial Magistrate No.II, Hosur.

2.TheSub Jail,
Hosur.

3.The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.16440 of 2023

G.CHANDRASEKHARAN. J.

mpl

Crl.O.P.No.16440 of 2023

24.07.2023