



WEB COPY



CrI.OP.No.18111 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.08.2023

CORAM

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

CrI.OP.No.18111 of 2023

Premkumar

..Petitioner

Vs.

State of Tamilnadu
Rep by The Inspector of Police,
Paramathi Police Station,
Namakkal District.
(Cr.No.134 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.134 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Raghu

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.07.2023 for the offences punishable under Section 328 I.P.C. 1860, r/w Section 24 (1) of Cigarette and other Tobacco Products Act,



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2003, in Crime No.134 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Cr.No.134 of 2023 registered for the offences under Section 328 I.P.C. 1860, r/w Section 24 (1) of Cigarette and other Tobacco Products Act, 2003. He is in judicial custody from 26.07.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Additional Public Prosecutor submitted that petitioner was found in illegal possession of following tobacco products:- i)Hans – 4 packets, ii)Vimal Pan masala – 38 packets, iii)VI Tobacco - 39 packets, at about 08.00 a.m. on 26.07.2023. Tobacco products had been recovered. Petitioner has no similar case pending against him.

4.Considered the rival submissions and perused the records.



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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 petitioner released on bail by the learned Magistrate/Trial



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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.

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To

- 1.The Judicial Magistrate,
Paramathy.
- 2.The Inspector of Police,
Paramathi Police Station,
Namakkal District.
- 3.Central Jail, Salem.
- 4.The Public Prosecutor,
High Court of Madras



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