



Crl.O.P.No.18799 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

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

Crl.O.P.No.18799 of 2023

Jebadurai

...Petitioner

Vs.

State by
Inspector of Police,
D-3 Podanur Police Station,
Coimbatore District.
Crime No.296 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.296 of 2023 pending investigation before the respondent police.

For Petitioner : Mr.S.Ramesh

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.06.2023 for the offence punishable under Sections 6(b) and 24(1) of the Cigarettes and other Tobacco Products Act, 2003 and 328 IPC in Crime No.296 of 2023 on the file of the respondent police, seeks bail.

2.Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated as an accused in a case registered for the offences punishable under Sections 6(b) and 24(1) of the Cigarettes and other Tobacco Products Act, 2003 and 328 IPC in Crime No.296 of 2023. Petitioner is in judicial custody from 29.06.2023. In the said circumstances, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, petitioner along with other accused were found in illegal possession of 105 Kgs of tobacco products including the following tobacco products like 1) Hans (15 x 12 packets, totally weighing 3.600 Kgs), 2) Vimal (30 x 20 packets, totally weighing 1.680 Kgs) and 3) V1 tobacco (20 x 0.400 gms each, totally weighing 5.680 Kgs) in a two-wheeler bearing



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Reg.No.TN 37 DA 6322, on 29.06.2023, at about 20.00 hrs near Gandhi Nagar Pandit Nehru school. He has three similar previous cases pending against him. The details are as follows:-

- i. *Crime No.688 of 2021, on the file of Podhanur PS, offence under Section 4(1)(a) of TNP Act and Section 77 of JJ Act and Section 24(1), 6(a), 7 of COTPA Act.*
- ii. *Crime No.767 of 2022, on the file of Podhanur PS, offence under Section 24 of COTPA Act and Section 328 of IPC.*

Crime No.97 of 2023, on the file of Podhanur PS, offence under Section 6(b) read with Section 24(1) of COTPA Act and Section 328 of IPC.

This is the second bail petition. However, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

4.1. Earlier bail petition in Crl.O.P.No.16836 of 2023 was dismissed by this Court on 31.07.2023. Thereafter, petitioner filed emergency bail petition in Crl.O.P.No.18799 of 2023, for the reason that, his mother Packiyamani, aged 85, died on 11.08.2023. That petition was considered and petitioner was granted interim bail for three weeks from



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12.08.2023. Again this matter is listed today.

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5. Considering the duration of the judicial custody of the petitioner, that substantial part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is ordered to be released on bail on their 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 District Munsif cum Judicial Magistrate, Madukkarai, Coimbatore** 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 shall report before the respondent police daily morning at 10.00 a.m., and 5.00 p.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

30.08.2023

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To

1.The District Munsif cum Judicial Magistrate,
Madukkarai, Coimbatore.



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2.The Inspector of Police,
D-3 Podanur Police Station,
Coimbatore District.

3.The Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.

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