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Crl.O.P.No.19004 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.19004 of 2023

Babu

...Petitioner

Vs.

State rep.by,
Inspector of Police,
katpadi Police Station,
Vellore District.
(Crime No.229 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to grant bail to the petitioner/accused in Crime No.229 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.07.2023 for the offences punishable under Sections 7(5), 20(2) of Cigarette and other Tobacco Products Acts, 2023 and Section 328 of IPC in Crime No.229 of 2023 on the file of the respondent, seeks bail.



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2. It is the submission of the learned counsel for the petitioner that, the petitioner is falsely implicated as an accused in this case in Crime No.229 of 2023 registered for the offence under Sections 7(5), 20(2) of Cigarette and other Tobacco Products Acts 2023 and Section 328 of IPC in Crime No.229 of 2023. Petitioner is an innocent person and he is in judicial custody from 27.07.2023. Thus, he seeks bail.

3. In response, learned Additional Public Prosecutor submitted that, on 27.07.2023, the respondent police, on secret information had conducted search and found that, the petitioner was in possession of the contraband of the Tobacco product inside the white bag and the same was seized by the respondent police. The Petitioner was in possession of 1) Hans Chaap Tobacco - 20 packets (6 kgs), 2) Vimal Pan Masala - 10 Packets (840 grams), to an total extent of 6.840 kgs, worth about Rs.3,600/-. The said materials were seized. No previous case has been pending as against the petitioner. However, he prays for dismissal of this petition.



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4. Considered the rival submissions and perused the records of the case.

5. Considering the fact that, the contraband had been seized from the petitioner and that, petitioner is in judicial custody from 27.07.2023 and the material part of the investigation might have been completed by this time, Court is inclined to grant bail to the petitioner. Accordingly, 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, Katpadi** 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 at 10.30 a.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.

21.08.2023

vca/gd

To

- 1.The Judicial Magistrate,
Katpadi.
- 2.The Inspector of Police,
Katpadi Police Station,
Vellore District.
- 3.Vellore Central Prison,
Thorapadi.
- 4.The Public Prosecutor,
High Court of Madras.



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V.SIVAGNANAM, J.
vca/gd

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