



Crl.O.P.No.19995 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

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

Crl.O.P.No.19995 of 2023

Saravanan

...Petitioner

Vs.

State rep. by,
The Inspector of Police,
Paramathi Police Station,
Namakkal District.
Crime No.125 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.125 of 2023 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



Crl.O.P.No.19995 of 2023

on 09.07.2023 for the offences punishable under Sections 273, 328 of IPC r/w. 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.125 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of learned counsel for the petitioner that petitioner is falsely implicated as accused in Crime No.125 of 2023 for the offence under Section 273, 328 I.P.C r/w 24 (1) of Cigarette and other Tobacco Products Act, 2003. He is in judicial custody from 09.07.2023. Thus, this petition is filed for seeking bail.

3.In response, the learned Additional Public Prosecutor submitted that petitioner along with other accused were found in illegal possession of tobacco products. Petitioner was involved in six similar cases. Out of six cases, three cases ended in conviction, one case ended in acquittal and one case is pending for trial. He was also involved subsequently in another similar case in Case No.133 of 2023, Paramathy Police Station, registered for the offence under Section 328 of I.P.C r/w 24 (i) of COTPA Act.



Crl.O.P.No.19995 of 2023

4.Considered the rival submissions and perused the records.

5.It is seen from the First Information Report allegations that on 09.07.2023 at about 10.00 a.m., the respondent Police found near Irukoor Bus stop, Paramathy, accused Nallasivam and Saravanan under suspicious circumstances. On apprehending them, they found to have been in illegal possession of following tobacco products:-

- i)Cool lip filter tobacco – 35 kg
- ii)Vimal Pan Masala – 35 Kg
- iii)RMD – 10 Kg
- iv)Hans Chaap – 40 kg
- v)V1 Tobacco – 97 Kg
- vi)M Scented Tobacco Gold – 4 Kg.

6.This is the second bail petition. Earlier bail petition in Crl.O.P.No.17506 of 2023 was dismissed on 09.08.2023, on the ground that petitioner has multiple cases pending against him. Petitioner has produced list of cases pending against him. From the list, it is seen that



Crl.O.P.No.19995 of 2023

except the case in Cr.No.133 of 2023 registered by Paramathy Police Station for the offence under Section 328 I.P.C r/w 24 (i) of COTPA Act, all other cases relate to I.P.C. offences and the offences under TNCP Act. Those cases had been registered during the period from 2009 to 2016.

7.Taking into these aspects and also that petitioner is in Judicial Custody from 09.07.2023 and that substantial part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner.

8. Accordingly, petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/-** (Rupees Ten thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Paramathi** 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



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Crl.O.P.No.19995 of 2023

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.

[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.

31.08.2023

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Crl.O.P.No.19995 of 2023

To

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



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Crl.O.P.No.19995 of 2023

G.CHANDRASEKHARAN. J.

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Crl.O.P.No.19995 of 2023

31.08.2023