



WEB COPY



Crl.O.P.No.29258 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29258 of 2023

S.Poovaragavan

S/o.Somu

...Petitioner/Accused

Vs.

State represented by
The Station House Officer,
Virudhachalam Police Station,
Cuddalore District.
Crime No.432 of 2023

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.432 of 2023 on the
file of respondent police.

For Petitioner : Mr.V.Ramanareddy

For Respondent : Mr.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner seeks bail in Crime No.432 of 2023 on the file of
respondent police for the offences punishable under Sections 273 and 328
IPC and 24(1) of the Cigarette and other Tobacco Products Act, 2003



Crl.O.P.No.29258 of 2023

(COTPA). The petitioner was arrested and remanded to custody on 07.12.2023.

2. The case of the prosecution is that the petitioner, who is arrayed as A4 in this case, has already seized the banned tobacco products on 22.08.2023 and received a sum of Rs.50,000/- from the accused persons and supported the illegal sale of tobacco products.

3. Learned counsel for petitioner submits that the petitioner has been arrayed as an accused in this case only based on the confession of other accused. Learned counsel submits that the petitioner is an innocent person and he has nothing to do with the alleged offence. Learned counsel further submits that the co-accused were released on bail.

4. Learned Additional Public Prosecutor submits that petitioner has helped the other accused to sell banned tobacco products. Learned Additional Public Prosecutor further submits that the petitioner is not involved in any other case.



5. Considering the rival submissions on either side and considering the fact that the co-accused were released on bail and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to certain conditions.

6. Accordingly, the 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 I, Virudhachalam 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 cards or Bank pass Books to ensure their identity;
- [b] the petitioner shall report before the concerned jurisdictional Magistrate everyday at 10.30 a.m. for a period of thirty days and thereafter, as and when required before the respondent police.
- [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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P.DHANABAL, J.

gm/rsi

[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.

28.12.2023

gm/rsi

To

- 1.The Judicial Magistrate I, Virudhachalam.
- 2.The Central Prison, Cuddalore.
- 3.The Station House Officer,
Virudhachalam Police Station,
Cuddalore District.
Crime No.432 of 2023
- 4.The Public Prosecutor,
High Court of Madras.

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