



WEB COPY



Crl.O.P.No.5121 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.5121 of 2024

S.Dharmalingam

... Petitioner

Vs.

State represented by
Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
Crime No.82 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.82 of 2024 on the file of
the respondent.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 05.02.2024 for the offences registered under Sections 24(1) of Cigarette



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and other Tobacco Products Act, 2003 r/w Section 328 IPC and also under Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.82 of 2024 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 17 kgs of banned tobacco products.

3.It is also stated that there is yet another accused who is still absconding.

4.But however, it is stated that steps are being taken to secure him.

5.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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** District Munsif cum Judicial Magistrate, Annur 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



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Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before the respondent police on everyday 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.

[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.

14.03.2024

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To

- 1.The District Munsif cum Judicial Magistrate, Annur.
2. The Inspector of Police,
Kovilpalayam Police Station, Coimbatore District.
- 3.The Central Prison, Coimbatore.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN, J.

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