



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.7846 of 2024

Suresh Singh

... Petitioner

Vs.

State Rep by.

The Inspector of Police

Deevattipatti Police Station

Devattipatti, Salem District.

Crime No. 703 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to order the petitioner to be enlarged on bail in crime No. 703 of
2023 on the file of the The Inspector of Police, Deevattipatti Police Station,
Devattipatti, Salem District.

For Petitioner : Mr.R.Prabudoss

For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)



WEB COPY



ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.03.2024 for the alleged offences punishable under Section under Sections 7 & 20(ii) of (COTPA) Cigarette and Other Tobacco Products Act, 2003 Act r/w 273, 328 of IPC and in crime No. 703 of 2023 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the accused person with the possession of banned Tobacco Products worth of Rs.1,68,000/-. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. On the other side, the learned Government Advocate (Crl. side) submits that respondent police found the the accused person with the possession of banned Tobacco Products worth of Rs.1,68,000/- Further, he stated that there is two previous cases pending against the petitioner.



4. Considering the period of incarceration undergone by the petitioner and also the investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioner.

5. 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 (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Omalur,Salem District**, 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., for a period of two months. Further, the petitioner is directed to deposit a sum of **Rs.50,000/- (Fifty Thousand Only)** to the credit of Tamil Nadu Advocate Clerk Welfare Association, Chennai, within a period of two weeks



from the date of receipt of a copy of this order;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

23.04.2024

pbl

T.V.THAMILSELVI,J.



WEB COPY



pbl

To

1. The **Judicial Magistrate, Omalur, Salem District.**

2. The Inspector of Police
Deevattipatti Police Station
Devattipatti, Salem District.

3. The Central Prison, Salem District.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.7846 of 2024

23.04.2024