

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19510 of 2018

RAMAMOORTHY, [PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
F-5, CHOLLAIMEDU POLICE STATION,
CHENNAI-600 096.
CR.NO.451 OF 2018.

For Petitioner : M/S.D.VEERASEKARAN Advocate

For Respondent : MR. R.SURYA PRAKASH, Govt. Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested on 19.07.2018 for the offences under Section 328 of IPC and Section 6(a) r/w 24 (1) of Cigarette and other Tobacco Products Act, 2003 in Cr.No.451 of 2018 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner was found in possession of Tobacco 176 small pockets of REMO; 47 small pockets of Hans; and 22 small pockets of Cool lip, which are prohibited items. Therefore, a case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit the petitioner did not commit any offence as alleged by the prosecution and all the items were kept by the petitioner for his own use and they are not meant for sale.

4.The learned Government Advocate(crl.side) would submit that the petitioner was found in possession of 500gms prohibited items and they were recovered by the respondent police. He would further submit that investigation is pending.

5.Considering the nature of allegations, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Metropolitan Magistrate No.II, Chennai and on further condition that:

(a) the petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the Cancer Institute, Adyar, Chennai and the petitioner shall produce the receipt for the same before the said Court while executing the bond;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F-5, CHOLLAIMEDU POLICE STATION,
CHENNAI-600 096.

5 THE CANCER INSTITUTE,
ADYAR, CHENNAI.

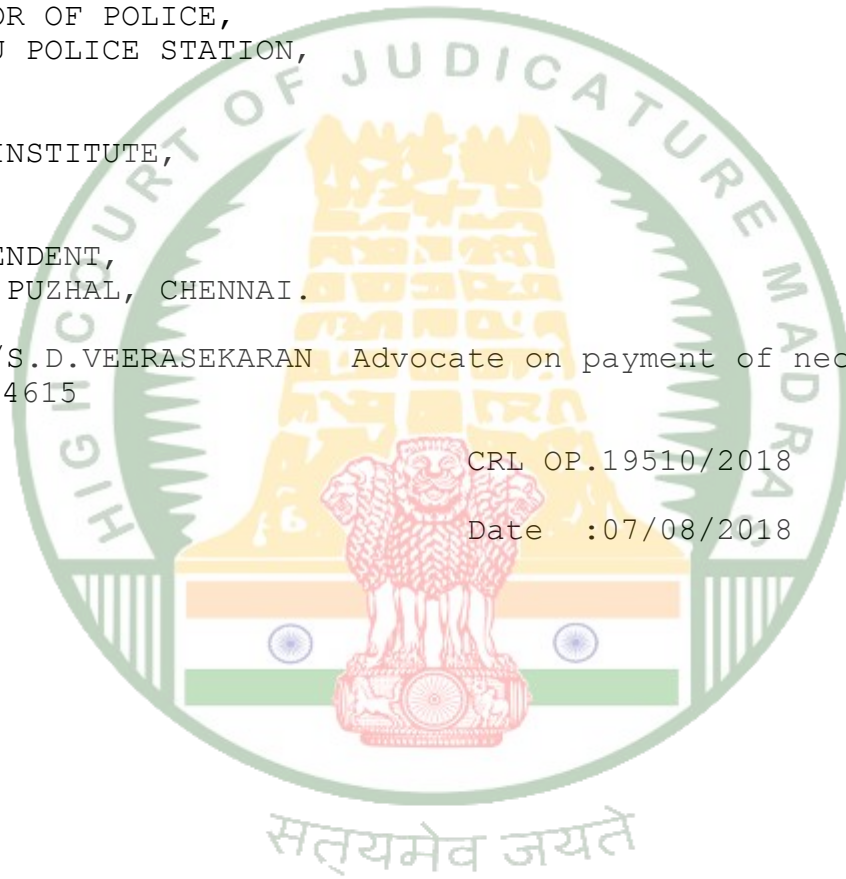
6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S.D.VEERASEKARAN Advocate on payment of necessary
charges SR.NO. 14615

CRL OP.19510/2018

Date :07/08/2018

TA-09/08/2018



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