

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.30559 of 2018

K.JAYARAMAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
V-6 KOLATHUR POLICE STATION,
CHENNAI CR.NO.768 OF 2018.

For Petitioner : M/S.MONISHA Advocate

For Respondent : M/S.V.SARADHA DEVI, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

1. This petition has been filed by the accused No.1 seeking bail for the alleged offence under Sec.328 I.P.C. and under Sec.24(1) of the Cigarette and Other Tobacco Products Act, 2003.

2. The learned counsel appearing for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the above case. He further submitted that as per the prosecution case, the petitioner and three other accused persons were in possession of tobacco products having poisonous substance worth about Rs.14,500/-. He further submitted that the petitioner has been arrested on 14.12.2018 and remanded to judicial custody and till today, he is in custody. He further submitted that so far the respondent has not taken any steps to send the sample for getting chemical analysis report and that itself shows that the case was registered only for statistical purpose and hence, he prayed to grant bail to the petitioner.

3. The learned Public Prosecutor has fairly conceded that so far, steps not taken to send the samples for getting chemical analysis report. Further, he has fairly conceded that no previous case is pending against the petitioner. He has further submitted that the other accused persons are also still in custody and the investigation is at the initial stage and hence he strongly opposed this petition.

4. Considering the fact that though the petitioner was arrested on 14.12.2018, so far, the respondent has not taken any steps for getting the chemical analysis report and also the fact that petitioner is in custody from 14.12.2018, this court is of the view that there is no need for further custody of the petitioner and the petitioner could be enlarged on bail. Accordingly, it is ordered that the petitioner shall be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate-V, Egmore Court at Allikulam, Chennai, and by imposing the further conditions that :-

(a) the petitioner shall report before the respondent police daily 10.30 a.m. until further orders.

(b) the petitioner shall not abscond either during investigation of trial.

(c) the petitioner shall not tamper with evidence or witness either during investigation of trial.

(d) 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]**.

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A I.P.C.

-sd/-
27/12/2018

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 METROPOLITAN MAGISTRATE
NO.V, EGMORE COURT AT ALLIKULAM,
CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.

3 THE INSPECTOR OF POLICE,
V-6 KOLATHUR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.

+2CC to M/S.MONISHA Advocate on payment of necessary
charges in SR.NO. 25066

CRL OP.30559/2018

Date :27/12/2018

MLT-28/12/2018



WEB COPY