

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12232 of 2019

MARIAPPAN

[PETITIONER / ACCUSED]

Vs

STATE. REP. BY
THE INSPECTOR OF POLICE,
V-6, KOLATHUR POLICE STATION,
CHENNAI.
CR.NO.188 OF 2019.

[RESPONDENT]

For Petitioner : M/S.R.MUTHUKUMAR Advocate

For Respondent : MRS. M.PRABHAVATHI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 27.04.2019 for the offence under Section 328 of IPC and Section 24 (1) of COTPA Act in Crime No.188 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of a huge quantity of banned Tobacco products worth a sum of Rs.15,060/-.

3.The learned counsel for the petitioner submitted that the petitioner is an auto driver and he has nothing to do with the alleged offence. The learned counsel further submitted that the petitioner was arrested and remanded to judicial custody on 27.04.2019 and he has already suffered incarceration for more than 12 days.

4.The learned Additional Public prosecutor submitted that the entire banned Tobacco products have been seized by the respondent police and there are no previous cases against this petitioner.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the entire banned Tobacco products have been seized and the petitioner has already suffered incarceration for more than 12 days and there are no previous cases against this petitioner, this Court is inclined to grant bail to the petitioner subject to the following condition.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned XIV Metropolitan Magistrate Court, Egmore 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 every Monday at 10.30 a.m. for a period of four weeks and thereafter as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned XIV Metropolitan 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 XV Metropolitan 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.

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-sd/-
08/05/2019

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.XIV, EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

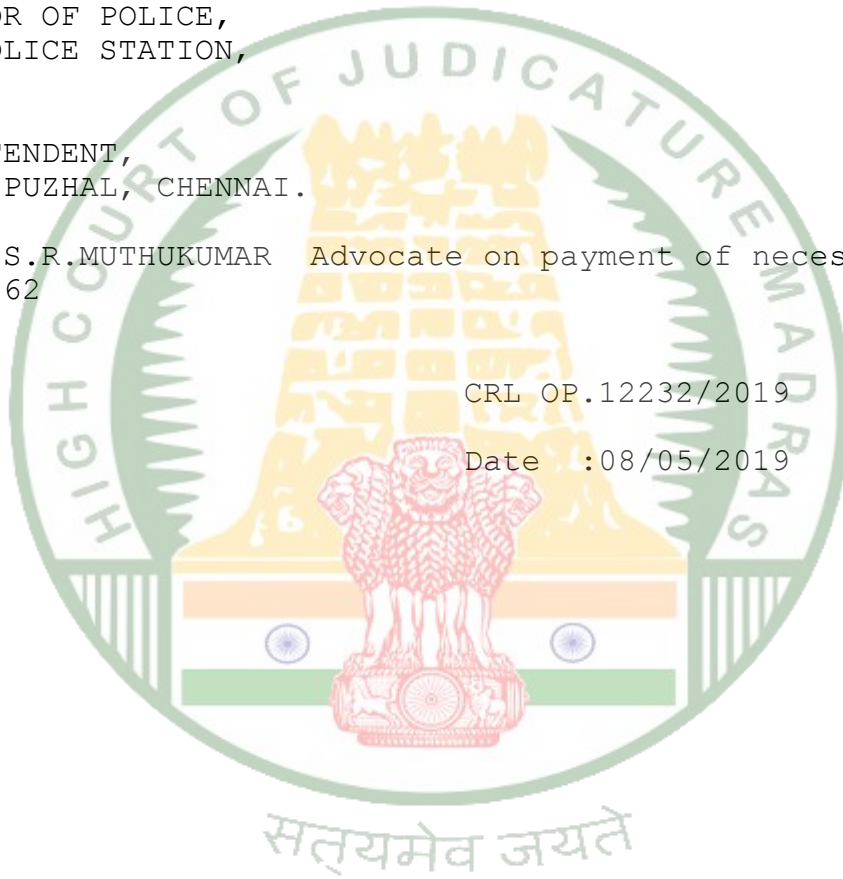
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S.R.MUTHUKUMAR Advocate on payment of necessary
charges SR.NO.9462

CRL OP.12232/2019

Date :08/05/2019

TA-09/05/2019



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