

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.7884 of 2020

1. Imanuvel

2. Nirmal Kumar

... Petitioners

Vs.

State Rep. by

The Inspector of Police,

Vadalur Police Station,

Cuddalore District.

Cr. No.344 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.344 of 2020 on the file of the respondent police.

For Petitioners : M/s.A.Gopinath

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 13.05.2020 for the offence punishable under Sections 273, 328 IPC and

24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.344 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the Village Administrative Officer, Parvathipuram Village received a source information that the petitioners were selling Gutkha in Raji's house, Railway Station Road. The respondent police conducted surprise visit and found that the petitioners were in possession of banned Gutkha products and selling in the above said place. Therefore based on the complaint given by Sivanantham, Village Administrative Officer, Parvathipuram village a case was registered. Hence, this complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are not involved in the above alleged offence and they are no way connected with the offence as alleged by the prosecution and they did not commit any offence. Further he submits that the petitioners are in judicial custody from 13.05.2020 and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the first petitioner/A1 has previous case and hence, he opposed for grant of bail to the first petitioner/A1.

5. Taking into consideration the nature of allegations against the first petitioner/A1 in the FIR and also taking note of the fact that the first petitioner/A1 who is the shop owner is in judicial custody from 13.05.2020, this Court is inclined to grant bail to the ***petitioners**, subject to the following condition.

(a) the first petitioner/A1 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai 600 020, Andhra Bank, Madhya Kailash Branch (SB A/c.No.149710011005477) and on such deposit, ***the petitioners** are ordered to be released on bail on executing own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which ***the petitioners** are confined on ***their** release;

(b) the ***petitioners** shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

(d) the ***petitioners** shall report before the respondent police as and when required for interrogation.

(e) the *petitioners shall not commit any offences of similar nature;

(f) the *petitioners shall not abscond either during investigation or trial;

(g) the *petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

सत्यमेव जयते

27.05.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

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M.NIRMAL KUMAR, J.

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To

- 1.The I Addl.District & Sessions Judge, Cuddalore
- 2.The learned District Munsif cum Judicial Magistrate, Kurinjipadi
Cuddalore District.
- 3.The Inspector of Police,
Vadalur Police Station,
Cuddalore District.
- 4.The Public Prosecutor,
High Court, Madras.
- 5.The Superintendent,
District Jail, Villupuram.

***Amended as per order of this Court dated 04.06.2020.**

Crl.O.P.No.7884 of 2020

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27.05.2020