

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.7885 of 2020

Senthil Kumar
Petitioner

...

Vs.

State Rep. by
The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
Cr. No.165 of 2020
Respondent

...

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.165 of 2020 on the file of the respondent police.

For Petitioner : M/s.A.Gopinath

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner, who was 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.165 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is running a Provisional store in Neyveli Township. On source information the respondent police conducted surprise visit and found that the petitioner was in possession of banned Gutkha products in his shop for sale. Therefore based on the complaint given by Kumar/Sub Inspector of Police case was registered. Hence, this complaint.

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

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner was found in possession of 43 packets of banned Gutkha products by the respondent police and hence, he opposed for grant of bail to the petitioner.

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

(a) the petitioner shall deposit a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred 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 petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

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

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

(g) the petitioner 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.

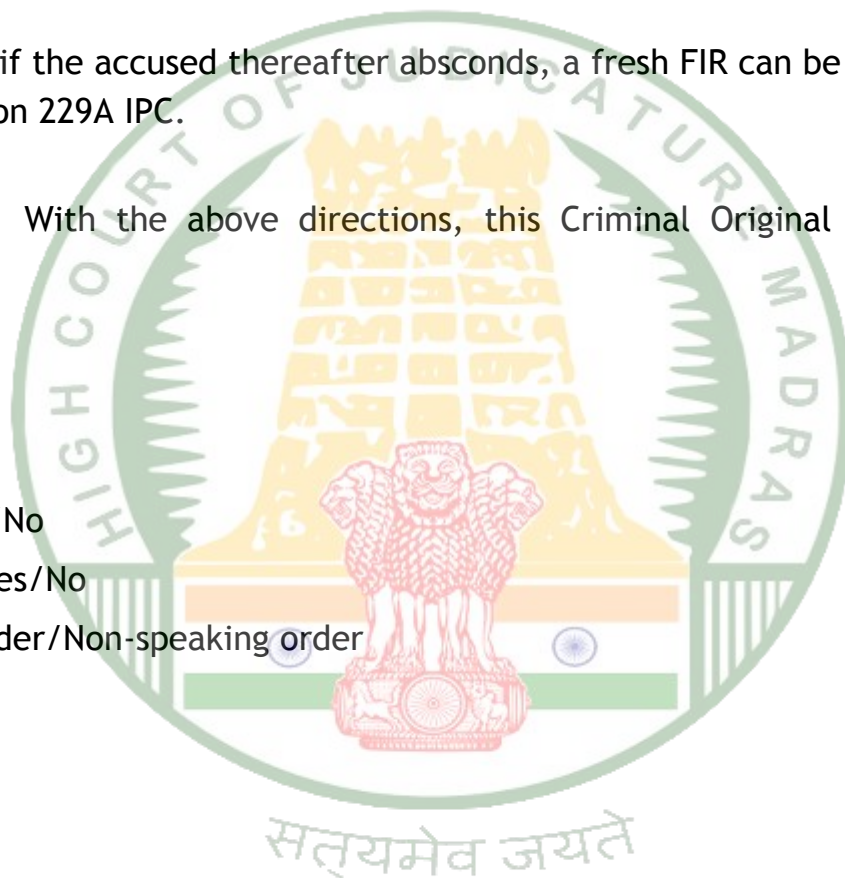
27.05.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

dpq



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M.NIRMAL KUMAR, J.

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To

1. The learned Principal District and Sessions Judge, Cuddalore.
2. The learned District Munsif cum Judicial Magistrate, Neyveli,
Cuddalore District.
3. The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
4. The Public Prosecutor,
High Court, Madras.
5. The Superintendent,
District Jail, Villupuram.

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27.05.2020