

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1360 of 2021

Prakash Bhargav

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Kandhikuppam Police Station,
Krishnagiri District.
(Crime No. 10 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No. 10 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr. E. Kannadasan

For Respondent : Mr.M. Prabavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 10.01.2021 for the offence punishable under Section 328 of IPC r/w. Section 7 and 20(i) of Cigarette and other Tobacco Products Act 2003 and Section 52, 59 of Food Safety and Standards Act 2006 in Crime No.10 of 2021, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner was found in possession of 30 bags of banned tobacco products, worth about Rupees One Lakh. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence. Hence, he seeks for grant of bail to the petitioner. The learned counsel for the petitioner, on instructions, submitted that the petitioner is prepared to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) without prejudice to his defence.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in possession of huge quantity of

banned tobacco products. She would further submit that no previous case is pending as against the petitioner. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances and the fact that no previous case is pending as against the petitioner and the investigation is almost completed and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-No.I, Krishnagiri, and on further conditions that:

(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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Madras High Court Advocate Clerks' Welfare Association, Indian Bank, High Court, Madras, (A/c.No.484077244, IFSC No.IDIB 000 M 157,), within a period of two weeks from the date of receipt of a copy of this order without prejudice to his rights and contentions before the trial Court

(d) the petitioner, on his release from prison, shall report before the respondent police daily at 10.30 a.m., for a period of two weeks.

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

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

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

(g) 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];

(h) 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.

-sd/-
02/02/2021

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.I,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANDHIKUPPAM POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

6 MADRAS HIGH COURT ADVOCATES CLERK WELFARE ASSOCIATION,
HIGH COURT MADRAS,
INDIAN BANK, HIGH COURT BRANCH,
A/C NO.484077244, IFSC CODE:IDIB000M157.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.1360/2021

Date :02/02/2021

MN-03/02/2021