

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Date : 12.05.2021

PRESENT

THE HON`BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL OP. No.8971 of 2021

A.Selvam @ Selvan

... Petitioner/Accused No.1

vs

State Rep. By
Inspector of Police,
T-13, Kundrathur Police Station,
Kanchipuram District.
Crime No.208 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Kanchi GV Mathiazhagan
Advocate.

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To enlarge the Petitioner/Accused No.1 on bail pending investigation in Crime No.208 of 2021 on the file of the respondent police.

ORDER

The petitioner, who was arrested on 09.04.2021 for the offences punishable under Sections 24(1) of COTPA Act read with 328 of IPC in Crime No.208 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 320 Kgs. of banned tobacco products. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has falsely implicated in this case and prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that during vehicle check up, the respondent police recovered 10 Kgs. Of banned tobacco products in the petitioner's two wheeler and subsequent to the registration of an FIR, 320 Kgs. Of tobacco products recovered from the petitioner's godown.

5. Considering the nature of offence and the fact that the petitioner is in custody from 09.04.2021 and the fact that the material part of the investigation in this case is over, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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, Sriperumandur and on further condition that:

a) the petitioner shall make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) through demand draft or Electronic Clearing System to the credit of the Chief Minister's Relief Fund, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

b) 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.

c) the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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

e) the petitioner shall not tamper with evidence or witness either during investigation or trial.

f) 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].

g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

12/05/2021

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,
SRIPERUMBADUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
T-13, KUNDRATHUR POLICE STATION,
KANCHIPURAM DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, KANCHIPURAM

6 THE OFFICER INCHARGE,
CHIEF MINISTERS RELIEF FUND,
CHENNAI

+2 CC to M/S.KANCHI GV.MATHIAZHAGAN Advocate on payment of necessary charges Sr.6077

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Date :12/05/2021

RVR 13/05/2021