

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.8974 of 2021

Paramsivam ... Petitioner/Accused No.1

Vs

State Rep. By
Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai.

... Respondent/Complainant

For Petitioner : M/s.G.V.Sridharan, 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 in connection with the crime No.165 of 2021 on the file of the respondent police.

ORDER

The petitioner, who was arrested on 27.04.2021 for the offences punishable under Sections 328 of IPC read with Section 6(a) of Cigarettes and other Tobacco Products in Crime No.165 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the respondent police recovered banned tobacco products and cash Rs.80,000/- and cell phones from the petitioner. 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 strongly opposes for the petition.

5. Considering the nature of offence and the fact that the petitioner is in custody from 27.04.2021 and the fact that the material evidence and object witness 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 XXIII Metropolitan Magistrate, Saidapet, Chennai 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

WEB COPY

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 XXIII METROPOLITIN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, CHENNAI.

4 THE CHIEF MINISTER RELIEF FUND,
TAMILNADU.

5 THE INSPECTOR OF POLICE,
R-5, VIRUGAMBAKKAM POLICE STATION,
CHENNAI-600 093.

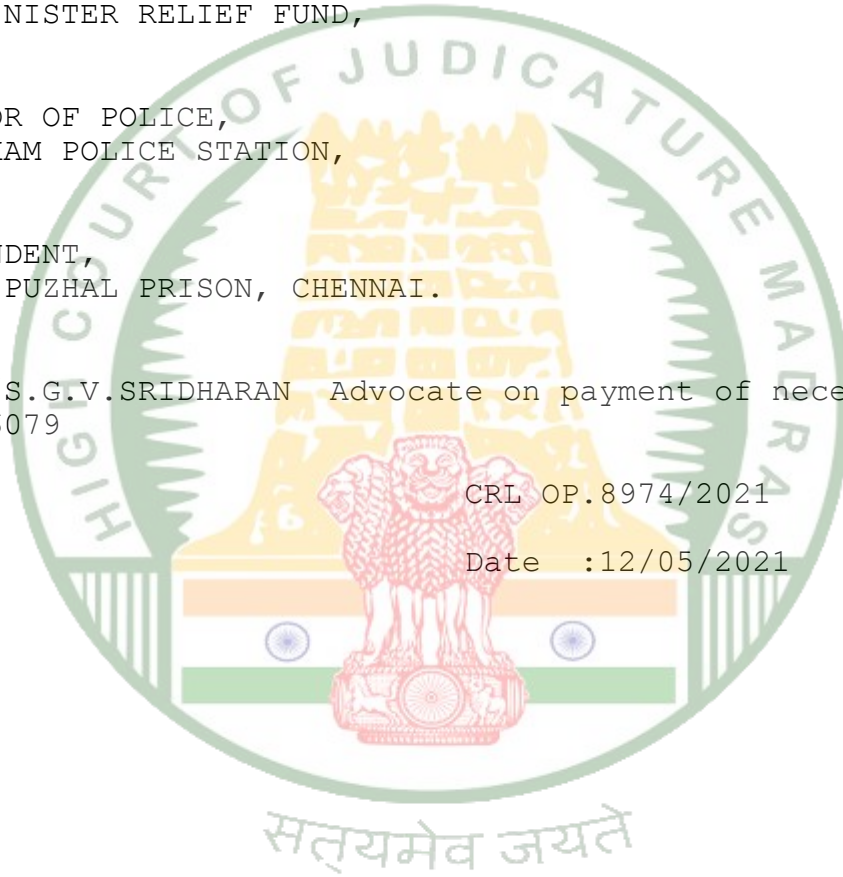
6. THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI PRISON, CHENNAI.

+1 CC to M/S.G.V.SRIDHARAN Advocate on payment of necessary
charges SR.No. 6079

CRL OP.8974/2021

Date :12/05/2021

rg.13.05.2021



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