



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12851 of 2021

Jayapraksh

... Petitioner

Vs.

The State Represented by :-
The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram
Crime No.1362 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner/accused on bail in connection with
the Crime No.1362 of 2021 pending on the file of the respondent
police.

For Petitioner : Mr.M.P. Yuvaraj

For Respondent : Mr.A.Gopinath
Government Advocate(Crl. side)

O R D E R

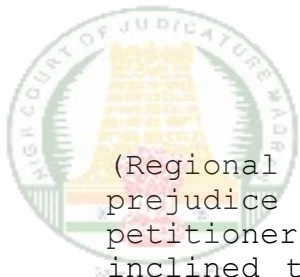
The petitioner who was arrested and remanded to judicial custody on 10.07.2021 for the offence under Sections 7 and 9(2) of the Cigarette and other Tobacco Product Act 2003 r/w 328 of I.P.C in Cr.No.1362 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 37,500 of Hans, 3528 pockets of Collips, 8,700 pockets of vimal swagath and 22400 pocket of Remo. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in the case and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.25,000/- to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai - 600 020,

4. The learned Government Advocate (Crl. Side) would submit that there is no previous cases pending against the petitioner.

5. Taking into consideration the facts of the case and that the petitioner has no bad antecedents and that the petitioner is prepared to contribute a sum of Rs.25,000/- to the Cancer Institute (WIA),



(Regional Cancer Centre), Adyar, Chennai - 600 020,- without prejudice to his contention and also taking note of the fact that the petitioner has been in custody since 10.07.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions.

WEB COPY

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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kancheepuram, and on further condition that:

(a) 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;

(b) the petitioner shall deposit a sum of Rs.25,000/- to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai - 600 020, without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner.

(c) the petitioner is directed to appear before the respondent police daily morning at 10.30 am until further orders.

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

(e) the petitioner shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

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

-sd/-

26/07/2021

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.II, KANCHEEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM.

4 THE OFFICER INCHARGE
THE SUB JAIL, KANCHEEPURAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI-600 020

CC to M/S. M.P.YUVARAJ Advocate on payment of necessary charges

CRL OP.12851/2021

Date :26/07/2021

RW 27/07/2021