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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.13507 of 2021

M.Radha Krishnan ... Petitioner

Vs.

The State by,
The Inspector of Police,
E1 Mylapore Police Station,
Chennai.
Crime No.919 of 2021 ... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to enlarge the petitioner/accused on bail in Crime No.919 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Ganesh Pandian

For Respondent : Mr.C.E.Pratap
Government Advocate(Crl. side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 21.07.2021 for the offence under Section 24(1) of the Cigarettes and other Tobacco Products Act, 2003 r/w 328 of IPC, in Cr.No.919 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 59 pockets of Remo, 90 pockets of Tobacco, 14 pockets of MDM, 68 pockets of Vimal panmasala, 7 pockets of Cool Lips, 2 pockets of RMD, 2 pockets of Rasiklal Manichand and 65 pockets of Hans. 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.1,00,000/- 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.1,00,000/- to the Cancer Institute (WIA),

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(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 21.07.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions.

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 XVIII Metropolitan Magistrate, Saidapet, Chennai, 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 Rs1,00,000/- 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 Metropolitan 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;

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

-sd/-
04/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE METROPOLITAN MAGISTRATE NO.XVIII,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
E1, MYLAPORE POLICE STATION,
CHENNAI.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, CHENGALPATTU.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.C.GANESH PANDIAN Advocate on payment of necessary charges

CRL OP.13507/2021

Date :04/08/2021

INBA 05/08/2021

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