



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13606 of 2021

Gurumoorthy

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Kolathur Police Station,
Salem District.
(Crime No.255 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with Crime No.255 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.T.Nixon

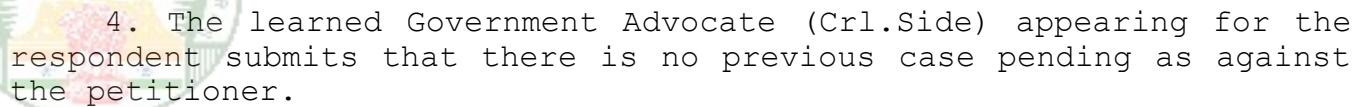
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl side)

ORDER

The petitioner who was arrested on 20.06.2021 and remanded to judicial custody for the offences under Sections 273, 328 of IPC and Section 20(2) of Cigarette and Tobacco Products Act, 2003, in Crime No.255 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 banned tobacco products worth about of Rs.5,25,000/- Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 20.06.2021. However, on instructions, the learned counsel further submitted that the petitioner, without prejudice his rights, on his own volition, is ready to deposit an amount of Rs.1,00,000/- to the Adyar Cancer Hospital and Research Institute, Adyar, Chennai. Therefore, he prays 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 No.I, Mettur, .and on further condition that:

(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;

(d) 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]; and;



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

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-sd/-
10/08/2021

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, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ADYAR CANCER HOSPITAL AND
RESEARCH INSTITUTE, ADYAR, CHENNAI

6 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S T.NIXON Advocate on payment of necessary charges
Sr.8316

CRL OP.13606/2021

Date :10/08/2021

RVR 11/08/2021