



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17266 of 2021

Pramothkumar

... Petitioner

Vs.

State represented by
The Sub Inspector of Police,
R-5 Virugambakkam Police Station,
Saligramam, Chennai - 600 093.
(Crime No.851 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 Crime No.851 of 2021 on the file of the respondent police.

For Petitioner : Mr.S. PraveenKumar

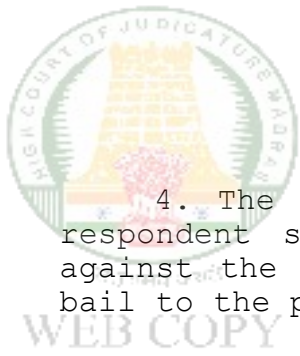
For Respondent : Mr.A. Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 07.09.2021 and remanded to judicial custody for the offences under Sections 328 of I.P.C r/w 6(a) of COTPA Act, 2003 in Crime No.851 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 Rs. 11,000. 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 07.09.2021. However, on instructions, the learned counsel further submitted that the petitioner, without prejudice to his rights, on his own volition, is ready and willing to contribute a sum of Rs.50,000/- for the purpose of improving and maintaining the Government Schools under the control of Greater Chennai Corporation, Rippon Building, Chennai.. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that there are four previous case pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and there is four previous case pending as against the petitioner, this Court is inclined to grant bail to the petitioner with certain 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, each for a like sum to the satisfaction of the learned XXIII Metropolitan Magistrate, Saidapet and on further condition that:

(a) the petitioner shall make a non-refundable deposit of Rs.50,000/- to the credit of " The Commissioner, Greater Chennai Corporation, Rippon Building, Chennai, for the rehabilitation and improvement of the basic needs of the Corporation Schools under the control of Greater Chennai Corporation, Rippon Building, Chennai under necessary acknowledgment 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;

(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 a.m. 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.

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-sd/-
20/09/2021

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 XXIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
R-5, VIRUGAMBAKKAM POLICE STATION,
SALIGRAMAM, CHENNAI 600093 .

4 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE COMMISSIONER,
GREATER CHENNAI CORPORATION,
RIPPON BUILDING, CHENNAI.

+1 CC to M/S.S.PRAVEENKUMAR Advocate on payment of necessary charges SR.NO.10358

CRL OP.17266/2021

Date :20/09/2021

INBA 21/09/2021