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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17845 of 2021

Karthick

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Ammamet Police Station,
Salem District.
(Crime No.403 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.403 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.Ganesan

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 273, 328, 511 of IPC r/w Sections 57, 59 of Food Safety and Standards Act 2006 and Section 77 of JJ Act and Sections 6, 24(1) of Cigarette and Other Tobacco Products Act 2003, in Cr.No.403 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of 409 kg of banned tobacco products. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner had not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and has been in jail from 07.09.2021. He further submits that without prejudice to his defence and contentions, the petitioner, on his own volition, is ready to deposit Rs.1,00,000/- to The Dean, Government



Mohan Hospital, Kumaramangalam" for treating COVID-19 patients. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to to be released on bail, 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 before the learned Judicial Magistrate No.V, Salem and on further condition that:

(a)the petitioner shall to pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) either through RTGS/NEFT/Cash/Demand Draft in favour of "The Dean, Government Moham Hospital, Kumaramanagalam'" for the purpose of treating COVID-19 patients and produce proof of such payment of the above amount to the Judicial Magistrate No.V. Salem, at the time of release on bail;

(b)the petitioner and 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 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/-
27/09/2021

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 JUDICIAL MAGISTRATE,
NO.V, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE DEAN
GOVERNMENT MOHAN HOSPITAL,
KUMARAMANGALAM, SALEM

CC to M/S. T.GANESAN Advocate on payment of necessary charges

CRL OP.17845/2021

Date :27/09/2021

APN 27/09/2021