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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21493 of 2021

Gulab Patel @ Galbaram

... Petitioner

Vs.

STATE BY: Represented by
The Inspector of Police
Tiruvannamalai Town Police Station
Tiruvannamalai District
Crime No.1193 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail pending investigation in Crime No.1193 of 2021 on the file of the respondent police.

For Petitioner : Mr.V.Elango

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.10.2021 for the offences under Sections 273, 328 and read with 511 of IPC and 22(1) Tobacco Act, 2003 in Crime No.1193 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.10.2021 at about 11.30 a.m., when the respondent police was in routine vehicle check up near Kamarajar Statue, the petitioner was found in illegal possession of Vimal Pan Masala (3 Grams) 1500 packets, V-1 Cigarette (0.4 Grams) 1500 packets, Hans (20 Grams) 675 packets in his two wheeler bearing Registration No.TN25 AQ 8627. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further



submit that the petitioner has been suffering incarceration for more than 20 days from 25.10.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the petitioner is the sole accused and he used to sell Mobile Case Covers on the road side. On the date of alleged occurrence, he was found illegally carrying banned tobacco products as stated above and those products have been seized. He would further submit that there is no previous case against the petitioner and the investigation is almost completed.

5. Considering the fact that the investigation is almost completed and there is no previous case against the petitioner and also considering the period of incarceration undergone by 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 Judicial Magistrate-II, Tiruvannamalai Court Campus, and on further conditions 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 report before the respondent police, daily at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation.

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

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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;



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

-sd/-

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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- II,
TIRUVANNAMALAI COURT CAMPUS.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S. V.ELANGO Advocate on payment of necessary charges
SR.NO.12828

CRL OP.21493/2021

Date :16/11/2021

INBA-17/11/2021