



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM:

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

Cr1.O.P.No.23775 of 2021

Nagaraj

...Petitioner

Vs.

The State rep. By
The Inspector of Police,
Gingee Police Station,
Villupuram District.
Crime No.958 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in the case in Crime No.958 of 2021 on the file of the respondent police.

For Petitioner : M/s.V.R.Appaswamee

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 26.11.2021 for the offences under 328 of IPC and Sections 6(b) r/w 24 (1) Cigarette and other Tobacco Products Acts 2003 in Crime No.958 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is arrayed as A2. On the date of occurrence, the petitioner was found in illegal possession of 1350 numbers of Tobacco Hans Pocket, 900 numbers of V-1 Tobacco Pocket and 240 numbers of Cool lip pocket. Hence the complaint.

3. The learned counsel for the petitioner would submit that he has been suffering incarceration from 26.11.2021. He would further submit that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submits that he petitioner was found in illegal possession of 1350 numbers of Tobacco Hans Pocket, 900 numbers of V-1 Tobacco Pocket and 240 numbers of Cool lip pocket. He further submits that there is one previous case pending against the petitioner. Hence, he opposed for grant of bail to the petitioner.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand Only), to the credit of the Sri Arunodhayam Charitable Trust at Chennai, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Authority for the treatment of Mentally retarded Children.

6. It is made clear that the deposit of the amount by the petitioner to the said Authority would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the the period of incarceration undergone by the petitioner and that the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 Judicial Magistrate, Gingee and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the Sri Arunodhayam Charitable Trust at Chennai, Bank :HDFC bank, Account No: 50100196910687, IFSC Code : HDFC0004221 for the purpose of treating Mentally retarded Children without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, 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 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.

-sd/-

09/12/2021

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,
GINGEE, VILUPPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT JAIL, VILLUPURAM.

4 THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 SRI ARUNODHAYAM CHARITABLE
TRUST AT CHENNAI, BANK :HDFC BANK,
ACCOUNT NO:50100196910687, IFSC CODE: HDFC0004221

+1 CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary charges SR.NO.14431

CRL OP.23775/2021

Date :09/12/2021

RW 09/12/2021