



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

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

Crl.O.P.No.25100 of 2021

Prakash

...Petitioner

Vs.

State, rep. by
The Inspector of Police,
E5- Sholavaram Police Station,
Thiruvallur District.
(Crime No.1405 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No. 1405 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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

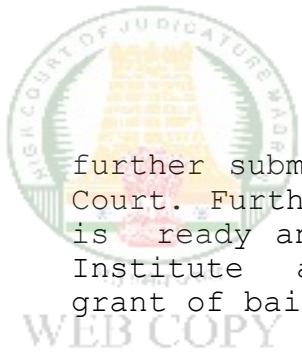
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.10.2021 for the offences under Sections 294(b), 328, 353, 307 and 506(ii) of IPC and Section 24(1), 6(a) of Cigarette and other Tobacco Products Act 2003, in Crime No.1405 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police officials were conducting regular vehicle check up near Vijayanallur Toll Plaza, the petitioner was found in possession of banned tobacco items viz., Cool Lips, Hans, M.D.M. Vimal and RMD in 23 bags and while enquiring about the possession of the products, the petitioner abused and prevented the police officials from doing their duty. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He would further submit that this is the 3rd application for bail and the petitioner has been suffering incarceration for about 75 days from 05.10.2021. He would



further submit that co-accused/A3 has been granted bail by the lower Court. Further, on instructions, he would 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) would raise strong objection stating that the petitioner is arrayed as A2 and he is the friend of A1 and that the main accused /A1 has been detained under Goondas but admits that A3 has been released on bail and that the investigation is almost completed.

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 Tamil Nadu Advocates Clerks Association, Chennai, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocates.

6.It is made clear that the deposit of the amount by the petitioner to the said Association 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 period of incarceration undergone by the petitioner and 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 learned Judicial Magistrate No.II, Ponneri, and on further condition that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the Tamil Nadu Advocates Clerks Association, Chennai, without prejudice to his 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 on every Saturday 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/-

21/12/2021

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, NO.II, PONNERI
- 2 THE CHIEF JUDICIAL MAGISTRATE, THIRUVALLUR (FOR INFORMATION)
- 3 THE INSPECTOR OF POLICE,
E-6 SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.
- 4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.
- 5 THE TAMIL NADU ADVOCATE
CLERKS ASSOCIATION, CHENNAI
- 6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
Sr.15230

CRL OP.25100/2021

Date : 21/12/2021

RVR 21/12/2021