



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

CrI.O.P.No.25513 of 2021

Pakaram @ Prakash

.. Petitioner

Vs.

State rep. by
The Inspector of Police
Gingee Police Station
Villupuram District
(Crime No.959 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in relating to the case registered as Crime No.959 of 2021 on the file of the respondent.

For Petitioner : M/s.C.Munusamy

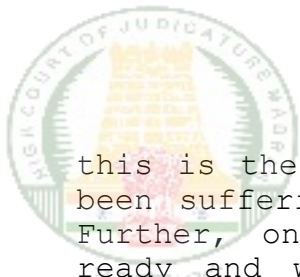
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.11.2021 for the offences under Sections 294(b), 353, 307 IPC r/w Section 6(b), 24 (1) of Cigarette and other Tobacco Products Acts, 2003 (COTPA Act) r/w 328 IPC in Crime No.959 of 2021, seeks bail.

2. The case of the prosecution is that when the respondent police officials were on regular check up, the petitioner was found in possession of 1200 pockets of Vimal Pan Masala, 1200 pockets of V-1 Tobacco, 1300 pockets of Hans Chaap Tobacco, 360 pockets of Cool Lip, 180 pockets of RMD-Pan Masala. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offense and he has been falsely implicated in this case. He would further submit that



this is the second application for bail and that the petitioner has been suffering incarceration for more than 26 days from 27.11.2021. 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 without prejudice to his rights and contentions 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 having one previous case but admits 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 Registered Advocates Clerks Association, Thiruvannamalai, 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 above facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, 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, Gingee, Villupuram*, 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 Registered Advocates Clerks Association, Thiruvannamalai, 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 stay at Pollachi and report before the Town Police station daily at 10.30 a.m. for a period of 4 weeks and thereafter, report before the respondent police as and when required for interrogation.

(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/-
23/12/2021

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, VILLUPURAM.

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

3 THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT.



4 THE OFFICER INCHARGE,
DISTRICT JAIL, VEDAMPATTU,
VILLUPURAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED
ADVOCATESCLERKS ASSOCIATION,
THIRUVANNAMALAI DISTRICT.

CC to M/S.C.MUNUSAMY Advocate on payment of necessary charges

CRL OP.25513/2021

Date :23/12/2021

CSK 27/12/2021