



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

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

CrI.O.P.No.1358 of 2022

Abdul Rahman

...Petitioner

Vs.

The State rep. by its
The Inspector of Police
Walajabad Police Station,
Kanchipuram District
(Crime No.05 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail relating to the alleged offences in Crime No.05 of 2022 on the file of the respondent police.

For Petitioner : Mr.D.Murthy

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

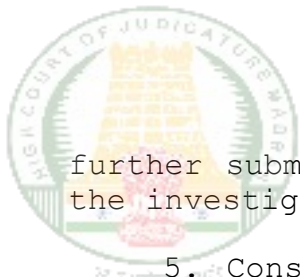
O R D E R

The petitioner who was arrested and remanded to judicial custody on 03.01.2022 for the offences under Sections 5, 22(a) of COTPA Act r/w Section 353, 328 and 506(i) of IPC, in Crime No.05 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner along with other accused was found in illegal possession of 99.5 kgs of banned various types of Tobacco products worth about Rs.53,400/-. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 22 days from 03.01.2022. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would raise strong objection stating that petitioner along with other accused was found in illegal possession of 99.5 kgs of banned various types of Tobacco products worth about Rs.53,400/- He



further submits there is no previous case against the petitioner and the investigation was almost completed.

5. Considering the submissions 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.20,000/- (Rupees Twenty Thousand Only), to the credit of Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the said Cancer Institute for the treating the patients.

6. It is made clear that the deposit of the amount by the petitioner to the said Institute 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.

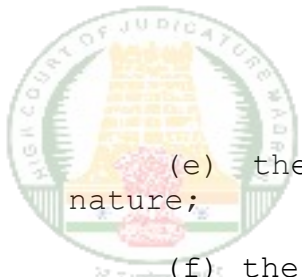
7. Considering the facts and circumstances of the case and the fact that the investigation is completed and there is no previous case against the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) as non-refundable deposit through RTGS/NEFT/Demand Draft in favour of the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch. On proof of such deposit, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate-II, Kanchipuram, Kanchipuram District within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders.



(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-

24/01/2022

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

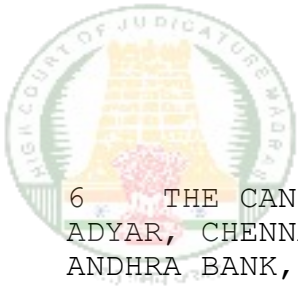
1 THE JUDICIAL MAGISTRATE,
NO.II, KANCHIPURAM, KANCHIPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU(FOR INFORMATION)

3 INSPECTOR OF POLICE,
WALAJABAD POLICE STATION,
KANCHIPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE JAILER, SUB JAIL,
KANCHIPURAM



6 THE CANCER INSTITUTE (WIA) (REGIONAL CANCER CENTRE),
ADYAR, CHENNAI - 600020, BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH

WEB COPY

CC to M/S D.MURTHY Advocate on payment of necessary charges
Sr.1053

CRL OP.1358/2022

Date :24/01/2022

RVR 25/01/2022