



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

Cr1.O.P.No.2458 of 2022

WEB COPY

Kannan

...Petitioner

Vs.

State rep. by
The Inspector of Police,
P-5, M.K.B. Nagar Police Station,
Chennai.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.1398 of 2021 on the file of the Inspector of Police, P-5, M.K.B.Nagar Police Station, Chennai.

For Petitioner : Mr.R.Muthukumar

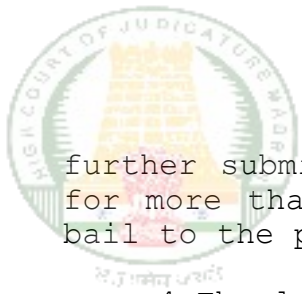
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 07.12.2021 for the offences under Section 273 and 328 of IPC r/w. Section 24(1) of COTPA Act in Crime No.1398 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the respondent police engaged in routine patrol, they found that the petitioner along with other another found in illegal possession of banned tobacco products. It is further alleged that they were indulged in the sale of banned tobacco products by keeping them in the MD Kitchen Tea Shop and on search, 124 kgs of banned tobacco worth about Rs.1,50,000/-, the same was seized from them. On enquiry, the respondent came to know that they purchased the said contraband on wholesale from Bangalore. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and no contraband has been seized from this petitioner. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.20,000/- to any Charitable Institute as may be directed by this Court. He



further submits that the petitioner has been suffering incarceration for more than 58 days from 07.12.2021 and hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner along with other another found in illegal possession of banned tobacco products. It is further alleged that they were indulged in the sale of banned tobacco products by keeping them in the MD Kitchen Tea Shop and on search, 124 kgs of banned tobacco worth about Rs.1,50,000/- , the same was seized from them. On enquiry, the respondent came to know that A1 is the owner of the alleged tea shop and they purchased the said contraband on wholesale from Bangalore and sold the same in and around the locality. He further submits that the petitioner is having one previous case. He further submits that the petitioner's earlier bail petition was dismissed by this Court in Crl.OP.No.363 of 2022 dated 10.01.2022.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.20,000/- for charitable purpose, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) 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 is directed to deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) to the Tamil Nadu Advocate Clerk Association, Chennai and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned X Metropolitan Magistrate, Egmore, Chennai 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 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 Tuesday at 10.30 a.m. until further orders;

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



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

(h) 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;

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

-sd/-

03/02/2022

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 X METROPOLITAN MAGISTRATE, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
P5, MKB NAGAR POLICE STATION, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE TAMIL NADU ADVOCATE CLERK
ASSOCIATION, CHENNAI

6 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAI, CHENNAI

CC to M/S.J.RAJKUMAR Advocate on payment of necessary charges
sr.1806

CRL OP.2458/2022

Date : 03/02/2022

RVR 04/02/2022