



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

Cr1.O.P.No.1704 of 2022

Prakash @ Jayaprakash

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
B5, Walajabad Police Station,
Kanchipuram.
(Crime No.5 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail, pending investigation in Crime No.5 of 2022 on the file of the respondent police.

For Petitioner : Mr.T.Ganana Banu

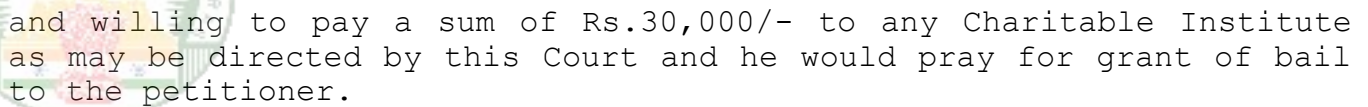
For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 03.01.2022 for the offences under Section 328, 353, 506(i) of IPC r/w Section 5 , 22(a) of COTPA Act 2033 in Crime No.5 of 2022, 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 was on regular patrol, they found that the petitioner along with other accused were in illegal possession of 200 kgs of banned tobacco products worth about Rs.1,60,000/-. 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 24 days from 03.01.2022. However, on instructions, he submits that the petitioner is ready



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.30,000/- for charitable purpose, this Court is inclined to grant bail to the petitioner with certain conditions;

(b) the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty thousand only) to the Registered Advocate Clerks Association, Kancheepuram District and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate-II, Kancheepuram 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;

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

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

<https://hcservices.ecourts.gov.in/hcservices/>



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/-

27/01/2022

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, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, KANCHEEPURAM.

4 THE INSPECTOR OF POLICE,
B5, WALAJABAD POLICE STATION,
KANCHIPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED ADVOCATE CLERKS
ASSOCIATION, KANCHEEPURAM DISTRICT.

+1 CC to M/S.T.GNANA BANU Advocate on payment of necessary charges SR.NO.1229

CRL OP.1704/2022

Date :27/01/2022

RW 28/01/2022