



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

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

Cr1.O.P.No.1781 of 2022

Balamurugan

...Petitioner

Vs.

The Inspector of Police,
Salem Town Police Station,
Salem
(Crime No. 7 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner pending investigation, in Crime No. 7 of 2022 on the file of the Respondent police.

For Petitioner : M/s.S.Senthilvel

For Respondent : Mr.N.S.Suganthan
(Government Advocate Cr1. Side)

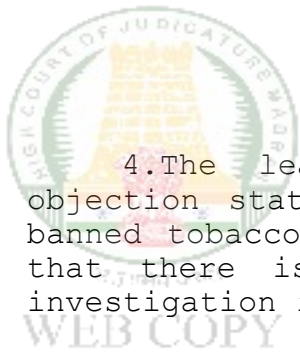
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.01.2022 for the offences under Sections 273, 328, 511 of IPC and Sections 57, 9 of Food Safety and Standards Act 2006 & Sections 6 and 24(1) of COPTA Act 2003, in Crime No.7 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.1.2022, the petitioner was found in possession of banned tobacco product viz., Hans and cash of Rs.1,350/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him and that the petitioner has been suffering incarceration for more than 20 days from 05.01.2022.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner was found in possession of banned tobacco product viz., Hans and cash of Rs.1,350/- but admits that there is no previous case against the petitioner and the investigation is almost completed.

5. Considering the fact above facts and circumstances of the case and the fact that there is no previous case against the petitioner and 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.

(a) Accordingly, 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) each, before the learned Judicial Magistrate No.I, Salem, 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 Tuesday 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.



6. With the above directions, this Criminal Original Petition is ordered.

WEB COPY

-sd/-

28/01/2022

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.1, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
SALEM TOWN POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.1781/2022

Date :28/01/2022

CSK 31/01/2022