



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

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

Crl.O.P.No.4645 of 2022

Jananayagam

... Petitioner

Vs.

The State Rep by:
The Inspector of Police,
Deevattipatty Police Station,
Salem District.
(Crime No.798 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 Crime No.798 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

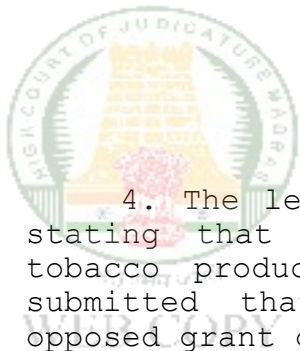
For Respondent : Mr.L.Baskaran
Government Advocate (Crl side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 04.12.2021 for the offences under sections 7, 20(1) of COTPA Act 2003, Sections 273, 328 of IPC and Section 52, 59 of Food Safety and Standards Act 2006 in Crime No.798 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner illegally transported 1500 packets of (Cool lip) contraband tobacco products. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is the driver of the vehicle, which used for transportation of the contraband tobacco products. He further submits that the petitioner is suffering incarceration for more than 80 days from 04.12.2021. Hence, he seeks to grant bail to the petitioner.



4. The learned Government Advocate (Crl side) raised objection stating that the petitioner had illegally transported contraband tobacco products which is worth about Rs.13,00,000/- and further submitted that the investigation almost completed. However, he opposed grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed, this Court is inclined to grant bail to the petitioner with conditions.

(a) the petitioner is ordered to be released on bail on 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, Omalur and the petitioner shall make a non-refundable deposit of Rs.20,000/- (Rupees Twenty thousand only) to the credit of Kaakkum Karangal Old Age Home, 89/47, Santhome High Road, Santhome, Chennai-600 028, A/c No.000101219273, ICICI Bank, Santhome Branch, IFSC Code:ICIC0003432, MICR Code:600229120, Swift Code: ICICINBBXXX, Mobile No.9840068800.

(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 report before the respondent police on every Saturday at 10.30 a.m., until further orders

(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.

WEB COPY

-sd/-

25/02/2022

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 THE JUDICIAL MAGISTRATE,
OMALUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

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

4 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6. THE KAAKKUM KARANGAL OLD AGE HOME,
89/47, SANTHOME HIGH ROAD, SANTHOME,
CHENNAI-600 028, A/C NO.000101219273,
ICICI BANK, SANTHOME BRANCH,
IFSC CODE:ICIC0003432, MICR CODE:600229120,
SWIFT CODE: ICICINBBXXX,
MOBILE NO.9840068800.

+1CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary charges SR.No.3005

CRL OP.4645/2022

Date :25/02/2022

CSK 28/02/2022