



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2689 of 2022

C.Murugan

.. Petitioner

Vs.

The State represented by its
The Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri District.
(FIR No.41 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in FIR No.41 of 2022 on the file of the respondent police.

For Petitioner : Mr.C.Palanisamy

For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 20.01.2022 for the offences under Sections 273, 328 of IPC and Sections 7(1) and 20(1) Cigarette and Other Tobacco Products Act 2003 in FIR No.41 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner had allegedly kept drugs like Hans, Cool LIP, Vimal Pan Masalas worth Rs.10,000/- for retail sale and the case was registered on the basis of confidential information received by the respondent police. Hence this complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that as on now the material object which are necessary for completing investigation are all recovered, therefore custodial interrogation may not be necessary. Hence, he seeks for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor raised objection stating that the submissions made by the petitioner's counsel in respect of recovery of material object is true. However, the petitioner is having one previous case in similar nature.

5. Submissions made by the learned counsel on either side were considered.

6. Considering all these facts, all the properties which are all necessary for completing investigation has been recovered already and therefore this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on their executing separate bonds 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 Court No.II at Dharmapuri, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

(e) 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;



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

WEB COPY

-sd/-
07/02/2022

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 COURT NO.II,
DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE,
DHARMAPURI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ADHIYAMANKOTTAI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, HARUR-DHARMAPURI.

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

CRL OP.2689/2022

Date :07/02/2022

INBA~08/02/2022