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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Cr1.O.P.No.2608 of 2022

M.Inbaraj

...Petitioner/Accused 5

Vs.

State rep. By
Inspector of Police,
D-1, Triplicane Police Station,
Chennai.
(Crime No.10 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the case in Crime No.10 of 2022 pending on the file of the Respondent police.

For Petitioner : Mr.G.Siva Kumar

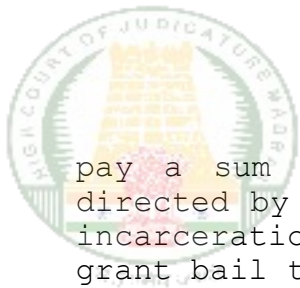
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 08.01.22 for the offences under Section 294(b), 353, 328 of IPC r/w Section 6 and 24 (1) of COPTA and Section 4(1)(a) of TNP Act in Crime No.10 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused indulged in the sale of banned tobacco products by purchasing the same from Bangalore. When the police enquired them, the accused prevented the police officials from performing their duties and tried to escape from the place. Later, the accused were arrested and from them 5761 packets of banned tobacco products, cigarettes liquor bottles and cash of Rs.12,650/- were seized.

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. 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 he has been suffering incarceration for more than 25 days from 08.01.2022 and he prays to grant bail to the petitioner.

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4. The learned Government Advocate raised objection stating that the petitioner along with other accused indulged in the sale of banned tobacco products by purchasing the same from Bangalore. When the police esquired them, the accused prevented the police officials from performing their duties and tried to escape from the place. Later, the accused were arrested and from them 5761 packets of banned tobacco products, cigarettes liquor bottles and cash of Rs.12,650/- were seized. He further submitted that the investigation almost completed.

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 Registered Advocate Clerks Association, Nagapattinam and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Metropolitan Magistrate-II, Egmore,, 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;**

1. the petitioner shall report before the respondent police on every Monday and Friday 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/-
04/02/2022

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 METROPOLITAN MAGISTRATE,
NO.II, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D-1, TRIPLICANE POLICE STATION,
CHENNAI.

5 THE REGISTERED ADVOCATE CLERKS ASSOCIATION,
NAGAPATTINAM DISTRICT.



6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S.G.SIVA KUMAR Advocate on payment of necessary
charges SR.NO.1907

CRL OP.2608/2022

Date :04/02/2022

TA-07/02/2022