



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.2976 of 2022

Joseph

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Kodungaiyur Police Station,
Chennai District.
(Crime No.2671 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.2671 of 2021 on the file of the Inspector of Police, Kodungaiyur Police Station, Chennai District.

For Petitioner : Ms.M.Gayathri

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 26.12.2021 for the offences under Sections 273, 328 of I.P.C and Section 7 and 9 (ii) TN smoking and Spitting Act, 2003 in Crime No.2671 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that defacto complainant one Kanniyappan, who is the Sub-Inspector of Police, lodged a complaint with the respondent police on 10.10.2021 alleging that the Petitioner was found in possession of Tobacco products, without any valid licence or permit. Hence this complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 26.12.2021 and as of now, the investigation has been completed. Hence, he seeks for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor fairly submits that the petitioner herein was arrested by believing the confession statement recorded from the co-accused. Further, she admits that the material objects, which are all required for completing investigation have also been recovered. However, she opposes this petition.

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

6. The petitioner was arrested based upon the confession statement given by the other accused. Being the reason that no property has been recovered through this petitioner. Though, the petitioner is having five previous cases, considering the above said reasons, this Court is inclined to grant bail to the petitioner subject to the following 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 V Metropolitan Magistrate, Egmore, 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 10.00 a.m. for a period of 30 days and thereafter as and when required for interrogation;

(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/-

08/02/2022

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.V, EGMORE, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE,
KODUNGAIYUR POLICE STATION,
CHENNAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.UDAYAVANI Advocate on payment of necessary charges SR.NO.2080

CRL OP.2976/2022

Date :08/02/2022

RW 09/02/2022