



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.3883 of 2022

Deepa

... Petitioner / Accused

versus

The State of Tamil Nadu
rep. by The Inspector of Police,
Dharumapuri Town Police Station,
Dharumapuri,
Dharumapuri District.
(Crime No.88 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 pending investigation in Crime No.88 of 2022 on the file of the respondent police.

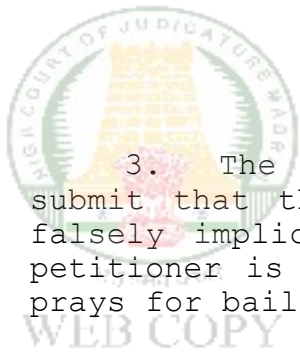
For Petitioner : Mr.P.Mani

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.01.2022 for the offences punishable under Section 328 of IPC and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.88 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.01.2022, the petitioner was found in illegal possession of banned tobacco products viz. Hans 300 grams, Cool Lip 1620 grams, Vimal Areca Nut 270 grams, V1 Areca Nut 150 grams. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 31.01.2022 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits that, the contraband, which was possessed by the petitioner, are all recovered by the Investigation Officer at the time of securing the petitioner.

5. The submissions made by the learned counsel appearing on either side are considered.

6. It seems that the respondent police registered a case as against the petitioner for the offences punishable under Section 328 of IPC and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 and as of now, the material objects (contraband), which is necessary for completing the investigation, are all recovered by the respondent police. Since the present case has been registered for the above said offence, being the reason that the contraband has also been recovered, further custody of the petitioner is not necessary. Therefore, taking note of the above said aspects into consideration and having regard to the nature of offence committed by the petitioner and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Dharmapuri;

(b) 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;

(c) the petitioner is directed to appear before the respondent police daily at 10.00 a.m., for a period of 30 days and thereafter, as and when required for interrogation;

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



(e) 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];

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

-sd/-
17/02/2022

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,
NO.I, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DHARUMAPURI TOWN POLICE STATION,
DHARUMAPURI DISTRICT

4 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S P.MANI Advocate on payment of necessary charges
SR.NO.2488

CRL OP.3883/2022

Date :17/02/2022

JPA 18/02/2022