



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P.No.4058 of 2022

A.Ramesh

... Petitioner /A-1

versus

State Rep. By
The Inspector of Police,
R-3 Ashok Nagar Police Station,
Chennai.
(Crime No.29 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.29 of 2022 on the file of the respondent police.

For Petitioner : Mr.T.Shanmugaboopathy

For Respondent : Mrs.G.V.Kasthuri

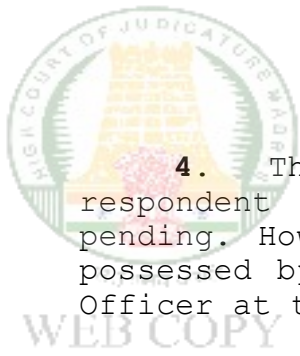
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.02.2022 for the offences punishable under **Section 328 of IPC r/w 6(a) of Cigarette and Other Tobacco Products Act, 2003** in Crime No.29 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.02.2022, the petitioner along with other accused were found in illegal possession of 170.500 kgs of banned tobacco products. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 06.02.2022 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. Considered the submissions made by the learned counsel on either side. This case has been registered against the petitioner for the offences punishable under Section 328 of IPC r/w 6(a) 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.

6. 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 XVII Metropolitan Magistrate, Saidapet, Chennai - 600 015;

(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 shall deposit Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.**

(d) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

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



(f) 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];

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

-sd/-
18/02/2022

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.XVII, SAIDPET, CHENNAI-600 015.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R3, ASHOK NAGAR POLICE STATION,
CHENNAI.

5 THE DIRECTOR
CANCER INSTITUTE (WIA)
ADYAR, CHENNAI-600 020.

6 THE OFFICER INCHARGE
SUB JAIL, SAIDAPET.

+1 CC to M/S. T.SHANMUGABOOPATHI Advocate on payment of
necessary charges SR.NO.2584

CRL OP.4058/2022

Date :18/02/2022

TA-21/02/2022