



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.6745 of 2022

Prakash

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Annathanapatty Police Station,
Salem City.
(Crime No.87 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 connection with the Crime No.87 of 2022, on the file of the Inspector of Police, Annathanapatty Police Station, Salem City.

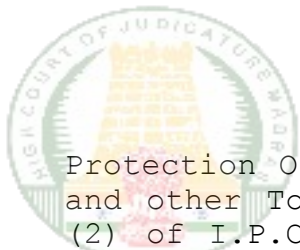
For Petitioner : Mr.N.Vijaya Baskar

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

O R D E R

The petitioner, who was arrested on 26.02.2022 for the offences punishable under Sections 77 of the Juvenile Justice (Care And Protection Of Children) Act, 2015, Section 6 and 24 (1) of Cigarette and other Tobacco Products Acts, 2003 and Sections 392, 397 and 506 (2) of I.P.C in Crime No.87 of 2022, on the file of the respondent police, seeks bail.

2. A complaint was given by one Ramesh alleging that the petitioner herein selling tobacco products illegally, when he approached the petitioner for Hans pocket for Rs.100/- and gave Rs.500/-, the petitioner received Rs.500/- and refused to pay the balance amount of Rs.400/- and when the defacto complainant demanded the balance money, the petitioner herein wielded knife, threatened him and also snatched Rs.1000/- and Vivo cell phone. Based on his complaint, the respondent has registered F.I.R for the following offences under Sections 77 of the Juvenile Justice (Care And



Protection Of Children) Act, 2015, Section 6 and 24 (1) of Cigarette and other Tobacco Products Acts, 2003 and Sections 392, 397 and 506 (2) of I.P.C and the residence of the petitioner being searched. On the course of search, it is alleged that 8 bags of hans was recovered. The F.I.R and the mahazar, on plain reading, clearly indicates that the occurrence as alleged by the prosecution is fake and fabricated one.

3. Considering the above facts, this Court grants bail to the petitioner herein and he 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.IV, Salem District.

(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 report before the Investigating Officer as and when required.

(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/-
24/03/2022

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.IV, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE
ANNATHANAPATTY POLICE STATION,
SALEM CITY.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S LAW VISION Advocate on payment of necessary charges
SR.NO. 4460

CRL OP.6745/2022

Date :24/03/2022

RW 24/03/2022