



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11422 of 2022

AJITH KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
D1, TRIPPLICANE POLICE STATION,
CHENNAI.
CR.NO . 295 OF 2022.

[RESPONDENT]

For Petitioner : M/S.C.JAGAN Advocate

For Respondent :S.SANTHOSH, GOVERNMENT ADVOCATE (CRIMINAL SIDE)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 20.04.2022 for the alleged offence under Sections 294(b), 353, 506 (i), 328 of IPC and 24(1) of COTP Act 2003 in Crime No.295 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with another accused person indulged in the sale of banned tobacco products, which are worth Rs.1,82,000/-. Both the accused persons were arrested and remanded to judicial custody.

3.The learned counsel for the petitioner submitted that the petitioner has suffered incarceration for nearly 58 days and that a false case has been foisted against the petitioner. Learned counsel further submitted that the petitioner will co-operate for the investigation and will comply with any conditions imposed by this Court.

4.The learned Government Advocate (Criminal Side) submitted that the entire contrabands have been seized and there is no previous case against the petitioner. Learned Government Advocate (Criminal Side) however opposed this petition, considering the quantity of contraband that was seized from the shop belonging to the petitioner.

5.This Court carefully considered the submissions made on either side and the materials available on record.



6. Taking into consideration the facts and circumstances of the case and also the fact that the entire contraband has been seized and that there is no previous case against the petitioner and the petitioner has already suffered incarceration for nearly 58 days, this Court is inclined to enlarge the petitioner on bail subject to the following conditions:

7. Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), by way of Demand Draft to the Dean, Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties, each for a like sum to the satisfaction of the learned II Metropolitan Magistrate, Chennai-8 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), by way of Demand Draft to the Dean, Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 06.30 p.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[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 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/-

18/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.



TO

1 THE II METROPOLITAN MAGISTRATE,
CHENNAI-8.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI-2, CHENNAI.

4 THE INSPECTOR OF POLICE,
D1, TRIPLICANE POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS-104.

6 THE DEAN,
ADYAR CANCER INSTITUTE (WIA),
EAST CANAL BANK ROAD,
ADYAR, CHENNAI.

+1 CC to M/S.C.JAGAN Advocate on payment of necessary charges
Sr.7263

CRL OP.11422/2022

Date :18/05/2022

srg 19/05/2022