



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12111 of 2022

D.GANESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KANCHEEPURAM TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.
(CRIME NO.262/2022)

[RESPONDENT]

For Petitioner : M/S. S. MADHUSUDANAN Advocate

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

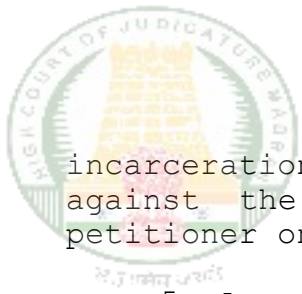
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 22.03.2022, for the alleged offence under Sections 7, 9(2) of COTPA Act r/w Section 328 IPC in Crime No.262 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons were found in possession of banned Tobacco products which was valued to the tune of Rs.4,38,450/-. Hence, this complaint. There are totally three accused persons and the petitioner has been arrayed as A3.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

4. Taking into consideration the facts and circumstances of the case and also the fact that the entire contraband along with the vehicle have been seized and the petitioner has already suffered



incarceration for more than 50 days and there is no previous case against the petitioner, this Court is inclined to enlarge the petitioner on bail subject to the following conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond 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 Judicial Magistrate No-1, Kanchipuram, Kanchipuram District and on further conditions that:-

[a] the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as costs, to the credit of the President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157), within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

[b] 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.

[c] the petitioner shall report before the respondent police on every Monday at 10.30 a.m, until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond 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/-

19/05/2022

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, KANCHEEPURAM,
KANCHEEPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANCHEEPURAM TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, KANCHEEPURAM,
KANCHEEPURAM DISTRICT.

6 THE PRESIDENT, TAMIL NADU ADVOCATES CLERK
ASSOCIATION, MADRAS HIGH COURT, CHENNAI
(INDIAN BANK, HIGH COURT BRANCH,
A/C NO.484026006, IFSC CODE:IDIB000M157)

+1 CC to M/S. S. MADHUSUDANAN Advocate on payment of necessary
charges SR.NO. 7487

CRL OP.12111/2022

Date :19/05/2022

RW 19/05/2022