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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.12814 of 2022

Ramesh

..Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Thally Police Station,
Krishnagiri District
crime No.136 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.136 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Ganesan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.04.2022 for the offences punishable under Sections 6, 20(1) of Cigarette and Other Tobacco Products Act and Section 328 of IPC in crime No.136 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police were in usual patrol, they found the petitioner possessing 1.5 tons of tobacco products in a vehicle. Hence, the case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.1,00,000/- to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, and prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner was found in illegal possession of 1.5 tons of tobacco produced in a vehicle. He would further submit that the petitioner is arrayed as A1, who he is the driver of the vehicle, and he has no previous cases.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.1,00,000/- to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only), by way of Demand Draft to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, and on such deposit, 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 blood related sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court, Thenkanikottai 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.1,00,000/- (Rupees One Lakh only), by way of Demand Draft to the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, 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 10.30 a.m. and 05.30 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.

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-sd/-

08/06/2022

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,
THENKANIKOTTAI.

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

3 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

4 THE INSPECTOR OF POLICE,
THALLY POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
ARIGNAR ANNA MEMORIAL CANCER HOSPITAL &
RESEARCH INSTITUTE, KANCHEEPURAM.

+1 CC to M/S. T.GANESAN Advocate on payment of necessary charges
SR.NO. 8607

CRL OP.12814/2022

Date :08/06/2022

RW-09/06/2022