



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

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

Cr1.OP.No.13797 of 2022

Chithraram @ Sankar

.. Petitioner/sole accused

Vs.

State Rep. by its
Inspector of Police,
Deevattipatty Police Station,
Salem District
crime No.217 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.217 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.S.Arivazhagan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.05.2022 for the offences punishable under Sections 279, 273, 328 of IPC r/w Section 7, 20(1) of Cigarettes and Other Tobacco Products Act, 2003 in crime No.217 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the respondent found a car undergone accident near a Jodekuzhi Bus Stop and on search they found banned tobacco products worth Rs.1,86,000/-. Hence, the case.

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. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner is the driver of the vehicle and from the vehicle, the police recovered banned tobacco products worth Rs.1,86,000/-. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case, 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), as non refundable deposit to the credit of the PUDUCHERRY ADVOCATE WELFARE FUND, A/c. No.7199772117; IFSC No.IDIB000B173 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 Judicial Magistrate, Omalur 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), as non refundable deposit to the credit of the PUDUCHERRY ADVOCATE WELFARE FUND, A/c. No.7199772117; IFSC No.IDIB000B173 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.

-sd/-
16/06/2022

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,
OMALUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DEEVATTIPATTY POLICE STATION,
SALEM DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE PUDUCHERRY ADVOCATE WELFARE FUND,
PUDUCHERRY
A/C. NO.7199772117; IFSC NO.IDIB000B173

+1 CC to Mr.K.S.Arivazhagan Advocate on payment of necessary charges SR.NO.9234

CRL OP.13797/2022

Date :16/06/2022

JPA 16/06/2022