



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

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

Cr1.OP.No.14572 of 2022

Thirumaran

..Petitioner

Vs.

State by:-

..Respondent

Inspector of Police,
H-8, Tiruvottiyur Police Station,
Chennai
Crime No.480 of 2022.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.480 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj

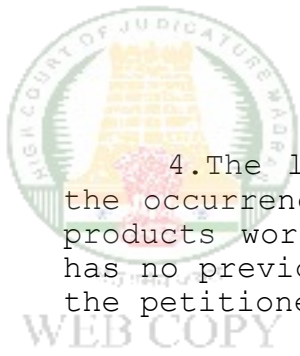
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.06.2022 for the offence punishable under Sections 294(b), 328, 506(ii) of IPC and Section 20(1) of COTPA Act in crime No.480 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 09.06.2022, the petitioner was illegally selling banned tobacco products and also used obscene words against the defacto complainant when he questioned the same. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the contraband belonged to some other person and on seeing the respondent, he threw the same and ran away from the shop. When the respondent enquired about the same, the petitioner was answerless and on mere suspicion, the petitioner was arrested. Hence, he prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that on the occurrence day, the petitioner involved in selling banned tobacco products worth Rs.750/-. He would further submit that the petitioner has no previous cases. However, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. 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 Judicial Magistrate, Tiruvottiyur 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 report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

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

[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 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/-

24/06/2022

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,
TIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
H-8 THIRUVOTTIYUR POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S R.C.PAUL KANAGARAJ Advocate on payment of necessary
charges SR.NO.9874

CRL OP.14572/2022

Date :24/06/2022

TA-24/06/2022