



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

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

Cr1.OP.No.15391 of 2022

Nasirudeen

..Petitioner/accused

Vs.

State by:

The Inspector of Police,
Salem Town Police Station,
Salem

crime No.85 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.85 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Jeyakumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.06.2022 for the offences punishable under Sections 273, 328, 511 of IPC r/w Sections 57, 59 of Foods Safety and Standards Act r/w Sections 6, 24(1) of Cigarette and Other Tobacco Products Act, 2003 in crime No.85 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police were on patrol duty on 04.06.2022 at about 2.30 p.m., the petitioner was found with a gunny bag in his two wheeler bearing registration No.TN 52 T 3013 and on search, banned tobacco products worth Rs.46,800/- was seized. Hence, the case was registered against the accused person.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that banned tobacco products worth Rs.46,800/- were found in the possession of the petitioner. 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 directed to make non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Chief Justice Relief Fund, High Court of Madras 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 learned Judicial Magistrate No.1, Salem 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 make non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Chief Justice Relief Fund, High Court of Madras, and that the receipt of such deposit 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. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[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.

WEB COPY

-sd/-
04/07/2022

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, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
SALEM TOWN POLICE STATION,
SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SECTION OFFICER,
ACCOUNT SECTION,
THE CHIEF JUSTICE RELIF FUND,
HIGH COURT, MADRAS.

CC to M/S.S.JEYAKUMAR Advocate on payment of necessary charges

CRL OP.15391/2022

Date :04/07/2022

RW-05/07/2022