



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

CORAM

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

Cr1.OP.No.15311 of 2022

Francis Xavier

.. Petitioner/A2

Vs.

The State rep. by
The Inspector of Police,
Vadapalani Police Station,
Chennai District
crime No.186 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.186 of 2022 pending investigation on the file of the respondent police.

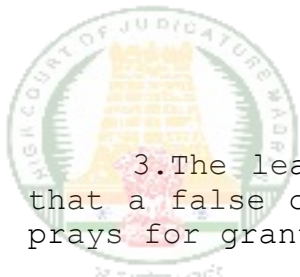
For Petitioner : Mr.R.Parthiban

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.06.2022 for the offences punishable under Section 6(a) of Cigarette and Other Tobacco Products Act, 2003 and Section 328 of IPC in crime No.186 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.06.2021 at about 6.45 hrs, when the respondent police conducted raid at the petitioner's Devi New Market Shop, at that time the petitioner was found in possession of (9kg 47 pockets of COOL LIP, (32 kg 2 bags of HANS, (RMD 20 Pockets 1.6 grams (4 kg M.SCENTED 20 Pockets) total 46.600 grams. Hence, the case was registered against the accused persons.



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 totally 46 kg of banned tobacco products 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 the 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 District Metropolitan Magistrate Court, XVII, Saidapet 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 stay at Salem and report before the Inspector of Police, Shevapet Police Station, Salem daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter 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/-
01/07/2022

WEB COPY

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 DISTRICT METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VEADAPALANI POLICE STATION,
CHENNAI DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

7 THE INSPECTOR OF POLICE,
SHEVAPET POLICE STATION, SALEM

+1 CC to M/S R.PARTHIBAN Advocate on payment of necessary charges
SR.NO.10531

CRL OP.15311/2022

Date :01/07/2022

JPA 01/07/2022