



WEB COPY



CrI.OP.No.15698 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

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

CrI.OP.No.15698 of 2022

G.Prabakaran

..Petitioner

Vs.

State by:

The Sub-Inspector of Police,

Sendurai Police Station,

Ariyalur District.

Crime No.116 of 2022

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner in Crime No.226 of 2022 on the file of the Sub-Inspector of Police, Jayankondam Police Station, pending investigation of the case.

For Petitioner : Mr.T.Arunkumar

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



CrI.OP.No.15698 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.06.2022 for the offences punishable under Sections 272, 273 & 328 of IPC read with Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 7 read with 9(ii) of Tamil Nadu Prohibition of Smoking and Spitting Act, 2002 and Section 6 read with Section 24(1) of Cigarettes and other Tobacco Product (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 in Crime No.116 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 20 grms Hans Choop Tobacco - 822 Pockets, 5 Gms Vimal Pan Masala -1220 Pockets, 25 gms Swagat Gold Tobacco- 165 pockets, 0.4 gms V-1 Tobacco -1140 pockets. Hence, the case was registered against the accused persons.

3.The learned counsel appearing for the petitioner would submit



CrI.OP.No.15698 of 2022

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 the respondent seized the contraband and further there is no previous cases pending against the petitioner . Hence, he 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.

6. Accordingly, the petitioner is directed to make non refundable deposit of Rs.10,000/- (Rupees Ten 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 their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **one blood related surety and one local surety**, each for a like sum to the satisfaction of



CrI.OP.No.15698 of 2022

learned District Munsif-cum-Judicial Magistrate, Sendurai 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.10,000/- (Rupees Ten 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 twice daily at 10.30 a.m. and 04.30 p.m., for a period of three weeks and thereafter report before the respondent police as and when required for interrogation.



WEB COPY



CrI.OP.No.15698 of 2022

[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.

07.07.2022

Sma

To

5/7



Crl.OP.No.15698 of 2022

1. District Munsif-cum-Judicial Magistrate,
Sendurai

2. The Sub-Inspector of Police,
Sendurai Police Station,
Ariyalur District.

3. The Sub-jail,
Ariyalur.

4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.15698 of 2022

G.K.ILANTHIRAIYAN, J.

Sma

Crl.O.P.No.15698 of 2022

07.07.2022