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Crl.OP.No.16889 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2022

CORAM

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

Crl.OP.No.16889 of 2022

Boobalan

..Petitioner

Vs.

State Rep by:
Inspector of Police,
Kitchipalayam Police Station,
Salem.
PRAYER:

..Respondent

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in (Crime No.218 of 2022
pending investigation on the file of the Inspector of Police,
Kitchipalayam Police Station) Salem.

For Petitioner : Mr.C.Ganesh Pandian

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 30.06.2022 for the offence under Sections 273, 328 of IPC



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and Section 6, 24(1) Cigarette and other Tobacco Products Act 2003 in crime No.218 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 banned tobacco products like Hans Tobacco – 10 packets, Vimal Pan Masala – 15 packets and V1 Tobacco – 15 packets. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 30.06.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner was found in possession of banned tobacco products like Hans Tobacco – 10 packets, Vimal Pan Masala – 15 packets and V1 Tobacco – 15 packets worth about Rs.5,000/-. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit**, 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 sureties, one among the sureties shall be a blood relative of the accused, each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, 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 deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit** 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., for a period of four weeks and thereafter, as and



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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.

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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate-II,
Salem.
- 2.The Inspector of Police,
Kitchipalayam Police Station,
Salem.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras

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