

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2022

CORAM

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

Crl.OP.No.16970 of 2022

Suraj Singh

..Petitioner

Vs.

State Rep by
The Inspector of Police,
Attaiyampatti Police Station,
Salem District.
(Crime No 169 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 169/2022 on the file of the respondent.

For Petitioner

: Mr.M.Subash

For Respondent

: Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.07.2022 for the offence under Sections 7 and 20(1) of Cigarette and other Tobacco Products Acts 2003 r/w Section 328 of IPC in crime No.169 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with another accused person was found in possession of banned tobacco products worth about Rs.1,33,590/-. 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 08.07.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that petitioner along with another accused person was found in possession of banned tobacco products worth about Rs.1,33,590/-. Hence, he vehemently opposed to grant bail to the petitioner.

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.75,000/- (Rupees Seventy Five 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No 4, 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.75,000/- (Rupees Seventy Five 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 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.

-sd/-
21/07/2022

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.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ATTAIYAMPATTI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CC to MR.M.SUBASH Advocate on payment of necessary charges

CRL OP.16970/2022

Date :21/07/2022

RW-25/07/2022