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CrI.OP.No.18671 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2022

CORAM

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

CrI.OP.No.18671 of 2022

R.Vijay

..Petitioner

Vs.

The State by Inspector of Police,
Tiruppur North Police Station,
Tiruppur City.

Crime No.851 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with the case in
Crime No.851 of 2022 pending investigation on the file of the respondent
police.

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 26.07.2022 for the offence under Section 328 of IPC in crime



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No.851 of 2022 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that *de-facto* complainant purchased Hans from the petitioner and on chewing the same, he felt dizzy and went to the hospital. Hence, the complaint.

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 26.07.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that based on the complaint given by the *de-facto* complainant, the respondent police seized 51 Kgs of banned tobacco products from the petitioner. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case,



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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.1, Tiruppur** 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 stay at Vellore and report before the **Inspector of Police, Pallikonda Police Station** twice daily at **10.30 a.m. and 5.30 p.m.** for a period of four weeks and thereafter report before the respondent police daily at **10.30 a.m.**, until further orders.

[d] the petitioner shall not abscond either during investigation



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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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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.1, Tiruppur.
- 2.The Inspector of Police,
Tiruppur North Police Station,
Tiruppur City.
- 3.District Prison,
Tiruppur.
- 4.The Public Prosecutor,
High Court of Madras

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