



Crl.O.P.No.19816 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2022

CORAM

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

Crl.O.P.No.19816 of 2022

Vignesh

... Petitioner

Vs.

State, Rep. by its
The Inspector of Police,
Mappedu Police Station,
Tirvuallur District.
(Crime No.205 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, pending investigation of the case in the Crime No.205 of 2022 on the file of the Respondent.

For Petitioner : Mr.D.Thanush Kumar
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.08.2022 for the offences punishable under Sections 272, 273, 328 of IPC r/w. Sections 6 and 24(1) of COTPA Act in Crime No.205 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that, on 09.08.2022, the respondent police while patrolling, at that time, one person standing near Mappedu Junction with white colour bag, subsequently, the respondent police enquired the same, at that time, the petitioner had in illegal possession of banned tobacco products, worth about Rs.9,490/- . Hence, the case.

3. The learned counsel appearing for the petitioner submits the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was arrested and remanded to judicial custody from 09.08.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner was found in illegal possession of 5 Kgs of banned tobacco products. He would further submit that there is no previous case pending against the petitioner.



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5. Considering the facts and circumstances of the case, the contraband has been seized from the petitioner and also considering the period of incarceration undergone by the petitioner i.e., from 09.08.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148, 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Tiruvallur** 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



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Ten Thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148 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 twice daily at 10.30.a.m., and 05.30.p.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.

22.08.2022

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To

- 1.The Judicial Magistrate No.II,
Tiruvallur.
- 2.The Inspector of Police,
Mappedu Police Station,
Tiruvallur District.
- 3.Sub Jail,
Thiruvallur.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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