



Crl.OP.No.21541 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21541 of 2022

Renuka

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P5, M.K.B. Nagar Police Station,
Chennai.
Crime No.626 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail pending investigation in
Crime No.626 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.Seenuvasan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



CrI.OP.No.21541 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.08.2022 for the offences punishable under Section 328 of IPC and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.626 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.08.2022, when the respondent police were on their regular checkup, the petitioner was found selling the prohibited qutka and after arrest of the petitioner, the respondent police also recovered 35 pockets of mava. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.50,000/- to any Welfare Scheme of the Government. Hence, he prays for grant of bail to the petitioner.



Crl.OP.No.21541 of 2022

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was found selling the prohibited kutka and after arrest of the petitioner, the respondent police also recovered 35 pockets of mava. He would also submit that the petitioner has two previous cases of similar nature as against him. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.50,000/- to any Welfare scheme of the Government, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) by way of Demand Draft to the **Dean, Rajiv**



Crl.OP.No.21541 of 2022

Gandhi Government General Hospital, Chennai, and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned X Metropolitan Magistrate, Egmore, Chennai**, 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 report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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



WEB COPY



Crl.OP.No.21541 of 2022

in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

07.09.2022

rgi

To

1. The X Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P5, M.K.B. Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.OP.No.21541 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No.21541 of 2022

07.09.2022