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Crl.O.P.No.25910 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

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

Crl.O.P.No.25910 of 2022

Dilip Kumar

... Petitioner

Vs.

State by:-

The Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai.

(Crime No.354 of 2022)

.. Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner pending investigation in Crime No.354
of 2022 on the file of the respondent police.

For Petitioner : Mr.C.Raja

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.08.2022 for the offences punishable under Sections 328 of IPC r/w 24(1) of COTPA Act in Crime No.354 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the respondent Police and his team were on routine rounds, they found that the petitioner was in illegal possession of 25 kgs of banned tobacco products and the respondent police seized the contraband and arrested the petitioner along sale proceeds of cash Rs.1025/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner is in custody from 23.08.2022. He would also submit that the petitioner is prepared to comply with any stringent condition imposed by this Court and he prays for grant of bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner was found in illegal possession of 25 kgs of banned tobacco products. He would further submit that there is 16 previous case pending as against the petitioner. Therefore, he oppose for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned counsel and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, 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



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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 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.

20.10.2022

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To

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1. The X Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P-3, Vyasarpadi Police Station,
Chennai.
3. The Central Prison,
Puzhal II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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