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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.8742 of 2024

Pankaj Kumar Gupta

... Petitioner

Vs.

State Rep by.
The Inspector of Police
P-2, Otteri Police Station,
Chennai. Crime No. 139 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in the above
crime No. 139 of 2024 on the file of the respondent.

For Petitioner : Mr.Suresh G
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.03.2024 for the alleged offences punishable under Sections Section 328 of IPC and under Section 20(i) of Cigarette and Other Tobacco Products Act, 2003, in crime No. 139 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the petitioner in illegal possession of 1.4 kgs of banned Tobacco Products. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. On the other side, the learned Government Advocate (Crl. side) submits that 1.4 kgs of banned tobacco products seized from the petitioner.

4. Considering the period of incarceration undergone by the petitioner and there is no previous case pending against the petitioner. Hence, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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 (one must be a blood surety)**, 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., for a period of two months. Further, the petitioner is directed to deposit a sum of **Rs.10,000/- (Ten Thousand Only)** to the credit of **Tamil Nadu Advocate Clerk Association, Chennai**, within a period of two weeks from the date of receipt of a copy of this order and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

[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.

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T.V.THAMILSELVI,J.

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To

1. The X Metropolitan Magistrate, Egmore, Chennai.

2. The Inspector of Police
P-2, Otteri Police Station,
Chennai.

3. The Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.

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