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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

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

Crl.O.P.No.9005 of 2024

Poyyathu Perumal @ Selvam

... Petitioner

Vs.

State Rep by.
The Inspector of Police
H-5, Tondiarpet Police Station,
Chennai.
Crime No. 119 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to order enlarge the petitioner on bail in crime No. 119 of 2024, on
the file of the respondent.

For Petitioner : Mr.Thenrjan Kalirajan
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 28.03.2024 for the alleged offences punishable under Sections 272, 273, 328 of IPC and Section 6(a), 24(1) of Cigarette and Other Tobacco Products Act, 2003, and Section 4(1)(a) of Tamil Nadu Prohibition Act and section 7 and 9(ii) of Smoking and Spitting Act, 2003 in crime No. 119 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the respondent police found the petitioner with the alleged possession 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. Further, he submitted that the petitioner has no bad antecedents. On the other side, the learned Government Advocate (Crl. side) submits that respondent police found the petitioner with the alleged possession of banned Tobacco Products and he stated that there is no previous case pending against the petitioner.



4. Considering the period of incarceration undergone by the petitioner and also there is no previous case pending against the petitioner. Further, the contraband seized from the petitioner is inter mediate quantity. 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) each with two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned XV M.M. GT, 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 on every Sunday at 10.30 a.m., for a period of eight weeks and thereafter as and when required for interrogation. 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.

[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.

12.04.2024

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T.V.THAMILSELVI,J.

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To

1. The **XV, M.M, GT, Chennai**
2. The Inspector of Police
H-5, Tondiarpet Police Station,
Chennai.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9005 of 2024

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