



Crl.O.P.No.11083 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HON'BLE MR. JUSTICE K. KUMARESH BABU

Crl.O.P.No.11083 of 2024

Kishorikumar

...Petitioner

Vs.

The State represented by
Inspector of Police,
K-10, Koiambedu Police Station,
Chennai.
(Crime No.185 of 2024)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.185 of 2024 on the file of the respondent police.

For petitioner : M/s.S.Sujatha

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.03.2024 for the offence punishable under Sections 272, 273, 328



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of IPC and 24(1) of Cigarette and other Tobacco Products Act, in Crime
No.185 of 2024 on the file of the respondent police.

2. The case of the prosecution is that on receipt of secret information, the petitioner and other accused persons have found in possession of 1.160 kilo grams of mava, near Koyambedu Market, without any valid license, thereafter the respondent police arrested the petitioner and recorded the statement. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute some amount to any Charitable Purpose as directed by this Court. He further submits that the petitioner has been suffering incarceration from 26.03.2024. Hence, he seeks for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) submits that the petitioner and other accused persons were found in possession of 1.160 kilograms of Mava, near Koyambedu Market. He also submitted that the respondent police recovered 29 kgs of Mava, 21 Kg 600 gms of Jardha and Grinder, weighing machine, 8 plastic Bundle, from A2 at Arumbakkam from the accused persons. He further submitted that the investigation is almost completed. Hence, he opposed to grant bail to the petitioner.

5. Taking into consideration the facts and submissions made by both side counsels and also considering the period of incarceration undergone by the petitioner and also taking note of the fact that the contraband involved is in intermediate quantity and the investigation is almost completed. The petitioner has willfully and on her own volition agreed to contribute some amount for charitable purpose, this court is inclined to grant bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner shall make a non-refundable deposit of **Rs.10,000/- (Rupees Ten thousand only)** to the credit of **Tamil Nadu Advocate Clerks Association, Chennai. Current A/c.No.484026006, Bank Name: Indian Bank, Branch: High Court, IFSC Code:IDIB000M157** 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 V Metropolitan Magistrate, Egmore, Chennai and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the respondent police on every Monday at 10.30 a.m. for a period of three months.

[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.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

08.05.2024

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To

- 1.The V Metropolitan Magistrate Court, Egmore, Chennai.
2. The Central Prison, Puzhal, Chennai District.
- 3.The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.
- 4.The Public Prosecutor, High Court of Madras.



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K. KUMARESH BABU. J.

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